The Honourable Sir George Rainy: (*a*) and (*b*). The Financial Commissioner of Railways is an officer of the Railway Department of the Government of India and is one of the four officials who constitute the Railway Board. Subject to the control of the Finance Member of His Excellency the Governor General's Council, to whom he has the right of access, he exercises the full powers of the Government of India with regard to railway expenditure. It is part of his duties to see that railway matters likely to affect the general finances of India are brought to the attention of the Finance Department.

(*c*) No.

MAINTENANCE OF SEPARATE CAPITAL AND REVENUE ACCOUNTS FOR BRANCH LINES.

101. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Will Government kindly state whether separate Capital and Revenue Accounts are maintained for branch lines built as remunerative propositions, and if not, why not ?

Mr. A. A. L. Parsons : When branch lines are built as integral parts of the main line, no separate Capital and Revenue Accounts are maintained for them. But instructions have been issued that a statement comparing the actual earnings derived from a new branch line yearly till the fifth financial year after opening, with the estimate in the Traffic Report, should be submitted to the Railway Board.

ANTICIPATED RETURNS ON NEW RAILWAY LINES.

102. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : With reference to the statement made by Mr. A. A. L. Parsons at page 1280 of the Legislative Assembly Debates, Volume IX, will Government kindly state whether they have since considered the question of devising a system by which to ascertain how far the anticipated return on new lines at the end of the assumed period has been realized at the end of that period ?

Mr. A. A. L. Parsons : Yes.

CRITERION LAID DOWN BY THE SECRETARY OF STATE FOR A PRODUCTIVE RAILWAY, ETC.

103. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : With reference to the criterion laid down by the Secretary of State for India for a productive railway that the project should be one which is estimated to yield a return within a maximum period of five years of 4 per cent. per annum on the capital invested including therein among others all arrears of simple interest incurred up to that date, will Government kindly state categorically :

(*a*) what is the maximum period adopted at present;

(*b*) what is the percentage aimed at; and

(*c*) whether arrears of simple interest incurred up to the date of the end of the maximum period is taken into account in arriving at the stipulated return ?

Mr. A. A. L. Parsons: (*a*) In determining whether any new extension should be taken up, we now generally consider the return likely to be obtained immediately after opening and in the sixth year after opening.

(*b*) The percentage at which it appears likely that the Government of India can borrow during the period in which the money will be spent.

(*c*) No. We usually add interest during the construction period to the estimated capital expenditure for the purpose of determining the financial prospects of the new construction, but not interest for the further period up to the time when traffic on the extension is expected to have been fully developed.

AMOUNT OF THE CAPITAL AT CHARGE ON STATE RAILWAYS AT THE END OF 1926-27, ETC.

104. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Will Government kindly state :

(*a*) the amount of the capital at charge on State Railways at the end of 1926-27;

(*b*) the amount included in (*a*) but not bearing interest; and

(*c*) the sources from which the amount in (*b*) was obtained ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to Account No. 25 of the Finance and Revenue Accounts for 1926-27 which gives full information on the subject.

REDUCTION OF THE CAPITAL COSTS OF THE MOHPANI COLLIERY.

105. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Will Government kindly state the reasons for the reduction of the capital costs of Mohpani Colliery from 10,29,370 at the end of 1919-20 to 8,13,981 at the end of 1925-26 ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the remarks against Mohpani Colliery in Column 17 of Appendix B of the Report by the Railway Board for 1926-27.

MANUFACTURE IN INDIA OF ARTICLES IN COMMON USE ON RAILWAYS.

106. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : With reference to the question of the manufacture in India of articles in common use on Railways which was referred to the Tariff Board as far back as March 1925, have Government ascertained what is delaying the submission of the Board's Report, and if so, what are the reasons ?

The Honourable Sir George Rainy : The report has been received. It is included in Volume VIII of the Statutory Enquiry into the steel industry, of which the Honourable Member has been supplied with a copy.

NUMBER OF WAGONS AND COACHES ON THE BENGAL NAGPUR RAILWAY AWAITING RENEWAL ON THE 31ST MARCH 1927.

107. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Will Government be pleased to lay on the table a statement showing, by types or classes,

the number of wagons and coaches on the Bengal Nagpur Railway awaiting renewal on 31st March 1927 ?

Mr. A. A. L. Parsons : I am sending the Honourable Member a statement giving him the information which he requires.

ALLOWANCE FOR THE USE MADE BY THE NEW BRANCH LINES OF THE ROLLING STOCK OF THE MAIN LINES.

108. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : With reference to the statement made by Mr. A. A. L. Parsons at page 1261 of the Legislative Assembly Debates, Volume IX, in which it is stated that an allowance of 5 per cent. of gross earnings is made for the use made by the new branch lines of the rolling stock of the main lines, will Government be pleased to state whether it is a fact that the percentage was fixed at a time when the ratio of working expenses to gross earnings was very much lower than at present ; and if so, have Government made any enquiries into the sufficiency of the allowance under the altered conditions ?

Mr. A. A. L. Parsons : The percentage is of very old standing. Government have not made any recent enquiry into the sufficiency of the allowance, but have no reason to believe that as an all-round rate it is inadequate.

DESCRIPTION BY SIR CHARLES INNES OF TRAVEL ON THE INDIAN RAILWAYS AS THE CHEAPEST TRAVEL IN THE WORLD.

109. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : With reference to the following extract from the Railway Member's speech at page 1427 of the Legislative Assembly Debates, Volume IX :

> " But the fact remains and cannot be refuted, that travel on the Indian Railways is the cheapest travel in the world. I have the figures here and as I think they will prove of interest to the House, I shall read them out.

Average rate per passenger per mile in :

	Pies.
Norway	16.38
U. S. A.	15.58
Sweden	12.6
England	9.22
France	7.14
Japan	5.21
India	3.73 "

are Government aware that the *lowest* fare is not necessarily the *cheapest* fare ? If so, will they kindly lay on the table any information which may be in their possession to show that the average rate of 3.73 pies in India is not only the lowest but also the cheapest in the world ?

Mr. A. A. L. Parsons : I regret that I am unable to argue with the Honourable Member whether the adjective " cheap " has the particular comparative meaning which he appears to suggest, nor am I in a position to make the suggested comparison. I notice, however, that Dr. Webster gives as one of the definitions of " cheap "—" at a price as low or lower than the usual price of the article or commodity, or at a price less than the real value ". It is no doubt in both of these senses that Sir Charles Innes described travel on the Indian Railways as the cheapest travel in the world.

TOTAL AMOUNT DEBITED TO THE CAPITAL ACCOUNT ON ACCOUNT OF EXPENDITURE ON SURVEYS OF NEW LINES FORMING PART OF A STATE-WORKED RAILWAY.

110. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Will Government kindly state approximately the total amount debited to the Capital Account to the end of 1926-27 without financial adjustment on account of expenditure on surveys of new lines forming part of a State-worked Railway ?

Mr. A. A. L. Parsons : About 7 1/3rd lakhs.

POLICY OF THE SOUTH AFRICAN GOVERNMENT REGARDING THE PURCHASE OF RAILWAY MATERIALS.

111. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Are Government aware that the policy of the South African Railways administration is to purchase as much material as possible in South Africa, and a preference of 5 per cent. is given in favour of the South African manufactured articles ? If so, have Government considered the question of adopting a similar policy on Indian Railways ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative, except that Government understand that the preference is 10 per cent. where the raw materials are entirely or mainly produced within the Union. The question whether a similar policy should be adopted for India was recently considered in connection with the revision of the Stores Purchase Rules.

FREE LUGGAGE ALLOWANCE GRANTED TO ADULT THIRD CLASS PASSENGERS ON THE SOUTH AFRICAN RAILWAYS.

112. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Are Government aware that on the South African Railways each adult third class passenger is allowed to have 50 lbs. luggage free of charge ? If so, have Government considered the question of adopting a similar allowance on the Indian Railways ?

Mr. A. A. L. Parsons : Government are not aware what the free allowance is on the South African Railways. They do not propose to raise the present allowance on State-managed Railways which is 15 seers or about 30 lbs. in addition to bedding and other small articles.

CONTROL OF RAILWAY POLICE ON THE SOUTH AFRICAN RAILWAYS.

113. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Is it a fact that the control of the Railway Police in South African Railways is vested in the General Manager of the South African Railways ? If so, have Government considered the question of placing the Railway Police in India under the control of the Railway Board ?

The Honourable Mr. J. Crerar : I regret that I cannot undertake to answer as regards the control of Railway Police on South African Railways. The Railway Police in India were originally controlled by the railway authorities, but the system did not prove satisfactory and was abandoned. Government are not considering any change from the existing system of control.

SUPPLY TO INDIAN RAILWAYS FREE OF CHARGE OF COAL FROM STATE-OWNED MINES.

114. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : With reference to Earl Winterton's statement in reply to a question in the House of Commons last April, that many of the State-owned mines in India supplied coal to Railways which was not charged for, will Government kindly specify the mines and the railways in question and state the circumstances in which no charge is made to railways for coal supply from State-owned mines ?

Mr. A. A. L. Parsons : I am not aware that any State-owned mines in India supply coal to Railways which is not charged for.

CONCESSIONS GRANTED TO MILITARY OFFICERS BY RAILWAYS.

115. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Will Government kindly state the grounds on which Captains and subalterns of certain British and Indian services are granted the concession of travelling first class on payment of second class fares with a luggage allowance on 1½ maunds as for a first class ticket at the cost of the Railway Department and not at the cost of the Army Department ?

Mr. G. M. Young : The cost of these concessions is borne by the Rail- Department, in accordance with the practice under which similar concesions are paid for by the railway companies in Great Britain.

ISSUE OF A PAMPHLET CONTAINING RULES AND CONDITIONS GOVERNING RECRUITMENT TO THE HIGHER SERVICES ON RAILWAYS.

116. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : With reference to the reply given on August 31st, 1926, to starred question No. 267, will Government kindly state what decision has been arrived at in regard to the issue of a pamphlet, setting out in full detail the rules and conditions governing recruitment to higher services on railways ?

Mr. A. A. L. Parsons : The issue of such a pamphlet is under active consideration, but awaits a decision on one point on which the Railway Board are in consultation with the Public Service Commission.

EDITORIAL NOTE "RAILWAYS IN SOUTH AFRICA AND IN INDIA" IN THE *Week* OF MAY 10TH, 1928.

117. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Has the attention of the Government been drawn to the editorial note "Railways in South Africa and in India" in the issue of the *Week* of May 10th, 1928, in which it is pointed out that "in South Africa railways and harbour administration is required to conform to business principles, with due regard to agricultural and industrial development within the Union" ? If so, have Government considered the question of adopting a similar policy in India ?

Mr. A. A. L. Parsons : Government have not seen the article mentioned by the Honourable Member.

ADOPTION OF THE DIVISIONAL SYSTEM ON COMPANY-MANAGED RAILWAYS.

118. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Is it a fact that the reorganization of work on State-worked Railways on a divisional basis has proved to be a success from the point of view of both economy and efficiency ? If so, what steps have Government taken to introduce a similar reorganization on Company-worked State Railways ?

Mr. A. A. L. Parsons : Government consider that the introduction of the divisional system has been a success on the Great Indian Peninsula, East Indian and North-Western Railways. Its adoption on Company-managed Railways is a matter for the decision of the Boards of Directors of those Railways ; and since a divisional system is less necessary on smaller and more easily managed railway systems, Government are not prepared to put pressure on the Home Boards to adopt it.

EMPLOYMENT OF MUSSALMANS AS ESTABLISHMENT CLERKS ON THE EAST INDIAN RAILWAY.

119. ***Maulvi Muhammad Yakub** : (*a*) Will the Government be pleased to state what steps, if any, were taken by the officers of the East Indian Railway to carry out the orders contained in letters No. I.E.-277|10|E., dated the 17th December, 1921, and No. T.E. 227|161|1-E. of 1st December, 1922, issued by the Chief Superintendent, Calcutta, regarding the appointment of Mussalmans as establishment clerks, since the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway ? If not, why not ?

(*b*) What is the total number of establishment clerks in the 6 Divisions of the East Indian Railway and to which community do they belong ?

Mr. A. A. L. Parsons : (*a*) The orders to which the Honourable Member refers were to the effect that when opportunity occurred Muhammadan clerks should be engaged as assistants in the Establishment Branch of the Delhi and Gaya District Offices with a view to their being trained as establishment officers. They have ceased to be in force since the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway, for there is now no District Office at Gaya, and Delhi is no longer under the East Indian Railway Administration. At present the position is that since the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway the number of establishment clerks on the East Indian Railway has been reduced and as vacancies which occur have generally been filled first from the clerks who were discharged there has been no recruitment of establishment clerks—Muhammadan or otherwise—from outside.

(*b*) The total number of the establishment clerks employed in the Divisional Offices of the East Indian Railway is 237. Government regret that for reasons which have been previously explained they are not prepared to supplement the details with regard to communal representation given in Appendix F in Volume I and Appendix C in Volume II of the Report on Indian Railways for 1926-27 by figures for individual offices or appointments.

I may, however, assure the Honourable Member that the Agent, East Indian Railway, is alive to the desirability of recruiting Muslims for appointments in all offices under his control when suitable candidates

come forward for employment. In certain branches of the East Indian Railway service, there is at present a preponderance of Muslims.

Mr. President : Has question No. 120 been put ?

Mr. C. S. Ranga Iyer : Yes.

Mr. President : The Honourable Member is not in his place.

Mr. C. S. Ranga Iyer : I am not aware of any arrangement of seats.

Mr. President : A block has been allotted to the Congress Party and I thought the Party has assigned seats to its members. If they have not done so yet, I hope they will do so now and let me know of the arrangement.

Mr. C. S. Ranga Iyer : I am not aware of any arrangement of seats. I put question No. 120.

SKEEN MEMORANDUM ON THE MILITARY SITUATION IN INDIA.

120. ***Mr. C. S. Ranga Iyer** : (*a*) Has the attention of the Government been drawn to statements in a section of the Press to the " Skeen memorandum " on the military situation in India, and the Indian army's military preparedness or unpreparedness for war on modern lines ?

(*b*) Will the Government be pleased to publish the " Skeen memorandum " on modernizing the Indian Army ?

Mr. G. M. Young : With your permission, Sir, I propose to answer questions Nos. 120, 121, 122 and 176, also Mr. Gaya Prasad Singh's question No. 158, and Colonel Crawford's question No. 178 together, and to take this opportunity of making a statement on the matters raised in these questions. I am afraid the statement will be rather a long one ; but I hope that the House will allow me to trespass a little on its patience, as it would be difficult to return a complete answer to these questions in a few words.

The document referred to in the questions was a lecture given by a General Staff Officer, at the four Command Headquarters, on army finance and economy within the army. The main object of the lecture, and of its subsequent circulation, was to stimulate a special campaign of economy which has been initiated throughout the various formations of the army. In order to assist in this object, mention was made of existing deficiencies in equipment, and of the estimated sums required to overtake those deficiencies during the next few years. The essence of this economy campaign within the army is to encourage the military authorities all through the army to look for and suggest methods of economizing on their own initiative, and so to assist the Government in providing the funds required to meet the army's growing needs, without increasing military expenditure beyond its present limits. The agreement referred to in Mr. Gaya Prasad Singh's question is an informal arrangement, under which savings effected by the military authorities as a result of this special economy campaign, may be appropriated towards the equipment programme.

The lecture is a confidential document designed for official use only, and Government are not prepared to publish the whole document *in extenso* merely because a copy has been purloined by somebody, and parts have already appeared in the Press. I will, however, endeavour to give Honourable Members full information on the various points.

The programme or scheme of His Excellency the Commander-in-Chief, mentioned in the questions, is merely a part of the continuous policy of Government, during the incumbency of the present and the late Commanders-in-Chief, in regard to modernising the equipment of the army in India and making good certain shortages which resulted from acceptance of the recommendations of the Indian Retrenchment Committee. There is no separate scheme for modernization in the army. Modernization is proceeding continuously from day to day. His Excellency the Commander-in-Chief made this clear in his budget speech last March when he was informing the House about the progress of mechanization—a word which is practically synonymous with modernization in this context. The army of the United Kingdom has for the last few years been making continuous experiments with different patterns of mechanical transport machines. The army in India carefully follows the experiments made in England, testing the results, and modifying them, where modification is necessary, to suit Indian requirements. The task of keeping pace in the modernization of equipment with the progress made at home has been made more difficult in the past few years owing to the acceptance by Government of the recommendations of the Indian Retrenchment Committee. When Government accepted those recommendations, it was recognized, and stated, by Lord Rawlinson that the economies then made in equipment would have to be counterbalanced sooner or later by further expenditure in order to keep pace with the requirements of defence. In fact, in giving their support to the proposals of the Incheape Committee, the Government of India took a definite risk, in recognition of the then paramount need for retrenchment, by decelerating to some extent, the rates of provision and renewal of part of the army's equipment. It was realized from the beginning, however, that this state of affairs could not continue beyond a certain point. The matter was kept under constant observation, and by 1926 we had reached the point when we could no longer go slow, but, on the contrary, had to begin catching up again. By the end of 1927, we could see our way clear. Much progress had been made in redeeming what I may call the Incheape shortages, and we could predict with some confidence that those shortages would be soon obliterated altogether without our having to add appreciably to our military estimates. But meanwhile we were confronted with new problems arising out of the rapid developments in modernization, and, in particular, the mechanization of foreign armies and of the army of Great Britain. It was to keep pace with these further developments also, if possible, without increasing our present scale of military expenditure, that the economy campaign to which I have referred was devised in the cold weather of 1927-28. At the same time there was no hope of reducing that expenditure below its present level. That is why His Excellency the Commander-in-Chief and the late Finance Member have informed Honourable Members on more than one occasion, that they saw no prospect in the immediate future of a further reduction in the army estimates, but that, on the other hand, there was a possibility that those estimates might be increased. This was

the position, Sir, when my Honourable friend, Colonel Crawford, asked me last March, whether the equipment of the army was in a satisfactory position, particularly in respect of mobility and defence against an attack from the air accompanied by the use of gas. These questions were put towards the close of the debate on the Army Department grant, when there was, of course, no opportunity for preparing a detailed statement. In replying, while I informed the House that Government were doing all they could towards ensuring that, when the time came, our army would go into the field fully equipped, I declined to make any admission of insufficiency in particular items of equipment. To that reply I adhere, and if a similar question were again put to me in the course of a debate, I should give a similar answer. But in the meanwhile there has been the public controversy on the subject, to which Honourable Members have drawn attention, and many incorrect statements about the condition of army equipment have appeared in the Press. In view of this circumstance, and as our equipment programme is now still further advanced than it was in March, I have had prepared a memorandum which explains as fully as possible, from the technical point of view, what we have been doing in the last few years, where we stand now, and what we propose to do in the near future. I lay this memorandum on the table of the House. It goes considerably into details, and I think it will supply Honourable Members with all the information that they require. But if, after reading it, they find that there are other technical points on which they would like to be informed, I shall be very glad to give them what information I can.

MEMORANDUM.

The policy followed by the Army in matters of organization and equipment is concisely stated in a resolution of the Legislative Assembly in 1921 in connection with the Esher Committee's recommendations, which runs as follows :

> " That the purpose of the army in India must be the defence of India against external aggression and the maintenance of internal peace and tranquillity. To the extent that it is necessary for India to maintain an army for these purposes, its organization, equipment and administration should be thoroughly up to date and, with due regard to Indian conditions in accordance with the present day standards of efficiency in the British Army, so that when the Army in India has to co-operate with the British Army on any occasion there may be no dissimilarities of organization which would render such co-operation difficult ".

This policy means the replacement of the older classes of artillery equipment, aircraft, transport, etc., by more modern types. The main feature of it is the substitution of mechanical for animal transport wherever possible.

ARMY TRANSPORT in war consists of :

(*a*) FIRST LINE TRANSPORT, which carries with the troops what they require in actual battle. Animal transport is used for this because the fighting line cannot have any transport which is unable to cross any country where men and horses can go ; but, where M. T. can be used (as in the case of certain technical units) there M. T. will be substituted for animal transport.

(*b*) Next, THE TRAINS which carry daily replenishment. These are at present mainly A. T. carts, but there are some horsed wagons. Both can only move a short distance at a comparatively slow rate. The results are that the length of columns in the line of march is inordinately long whilst the ability to operate away from the Line of Communication road or rail transport behind is restricted to a small distance. The sole advantage provided by A. T. over M. T. has been a superior power of operating off a good road. Fortunately we have now in sight mechanical transport on the 6-wheeler principle, which in most cases has been proved to be as good across-country as the A. T. cart. As this M. T. is more powerful, economical and speedy (all combining to improve mobility) the A. T. cart is now to be displaced from the role which it has so honourably filled for years and will to a considerable extent disappear—except in cases where the use of an M. T. vehicle would be uneconomical. The gradual replacement of these carts is high in the Army programme, but pack transport has still to be retained for use in country where neither M. T. nor A. T. carts can be employed. Thus the amount of animal transport retained will be cut down to a minimum, the principle followed being rather to organise for a more serious campaign and to improvise for a minor one, than *vice versa*.

(*c*) Lastly, Army Transport includes transport required for MAINTENANCE, *i.e.*, to connect rail head with the trains which have been mentioned previously, and here in all large operations the employment of M. T. beyond railhead is obligatory.

A few remarks on the general policy of replacing animals by M. T. may be of interest.

It is financially impossible to maintain in peace all the M. T. required in war. Vehicles which cannot be used economically in peace tend to get out of date, with consequent complications in the supply of spare parts, and eventually have to be scrapped long before their useful mileage has been completed. The principle therefore adopted in all armies is to utilise the form of Transport obtainable from civilian sources on some form of subsidy basis, the advantages of which system need no explanation. It is the displacement of the horse by M. T. in civil life which, quite as much as the advantages to be gained in war, has been the driving force behind the increasing mechanization of the Army at Home.

In India repeated efforts have in the past been made to obtain M. T. by this means, but have proved abortive because the development of M. T. in India for civil needs was not sufficiently advanced. The last few years has, however, seen a remarkable expansion in M. T. of all descriptions all over the country, which encourages us to hope that the time is now ripe for a renewed effort to obtain a part of our requirements on a subsidy basis.

In particular we hope to get the country to use 6-wheelers and are offering encouragement by a system of subsidy which has recently been published throughout India. The more this subsidy scheme takes on and the larger the reserve in useful civil life, the more can we depend on this reserve for war and therefore the less the number of vehicles we have to hold uneconomically in Army reserve. A large number of enquiries in connection with such subsidies has already been received.

The replacement of animal transport by M. T. will cause the former to diminish. There is little prospect of this change causing any large immediate saving in peace. In war, however, the resultant economy and efficiency are beyond computation. The three results are, therefore, (1) greatly increased mobility in war, (2) slight economy in peace, (3) great economy in war. The pace at which His Excellency the Commander-in-Chief introduces these measures will only be conditioned by the funds available and the success of the subsidy scheme. So far it is merely a matter of simple substitution (as funds permit) of M. T. for the animal transport on which we have relied in the past.

4. Before proceeding to describe the other directions in which mechanization is proceeding, it is desirable to make a digression. Frequent criticism may be read of India's failure to follow Home models in these matters. Great as are the disadvantages of not doing so, yet, in this matter for the present and until experiments at Home crystallize, we have to keep the following factors in front of us always :—

Firstly, India is not a highly industrialized country. She has not the power of producing war machines nor the reserves of men required both to man and keep them in the field. For the present, therefore, a commercial vehicle (if such will meet the needs we foresee) must be used.

Next, India's war problem by reason of geographical and climatic conditions has special aspects and requires special treatment. So far these factors do not necessary favour the employment of the special machines which are being evolved to meet the problems facing the Home authorities. Eventually as communications

improve and develop our own needs will tend more and more to call for the same equipment as the other Imperial Armies find essential, but for the moment mobility is our main requirement, and mobility in semi-developed country. Mobility is the main principle underlying all our projected reforms and we have to keep it in view always.

Now, if funds were unlimited, there would be less need for care. They are, however, rigidly restricted and therefore caution in any steps we take is obligatory. And this applies more particularly to the introduction of new equipment, until we are quite certain that it can be usefully employed in our particular conditions.

To illustrate this—Tanks have been tried. Two tanks now lie at AHMEDNAGAR, requiring such heavy repair to put them on the road and promising such little result when repaired that their re-conditioning is indefinitely postponed. We believe however that a type will eventually be developed which will suit us, and when that day comes it would be folly not to take advantage of it.

5. Mechanization of Artillery. This principle has always been accepted as regards medium artillery. Tractors were hauling guns at the manœuvres and review at DELHI as far back as 1925. Before and since then we have been searching for an efficient gun-haulage vehicle. The "Dragon", a track vehicle, in fact the chassis of a Tank, is employed at Home; but these very powerful tractors are for our purposes unnecessarily powerful (and thus expensive) and the tank trials referred to have not been successful enough to warrant large expenditure on this type.

The KEGRESSE a machine on the half-track principle, has been given full trial from 1924, but under our conditions definite draw-backs have appeared. In 1926 the six-wheeler came on the market and specimens were at once ordered and tried out; as a result, in 1927, exhaustive trials in carrying loads and gun haulage showed we had reached a stage when a start with "mechanization" could be safely made.

As regards Field Artillery, the fact that a start has been made in mechanization has appeared in most newspapers.

The Army see definite and material savings in upkeep and in the Remount Services; also, in war, the advantages, in cases where guns thus drawn can be used, more than justify the innovation, even were it to cost money.

6. The advantages of partial mechanization as applied to Transport and Artillery have been dealt with, but this by no means exhausts the subject.

Members will have read of the doings of the mechanized or "Armoured Force" at Home, as representing the last word in the conception of what is required in a war of the future. Remarkable as these doings were, it must be remembered that the force is still in an experimental stage, and that finality has not yet been reached either in regard to types of machines or in regard to their tactical employment. While we in India agree with the general idea underlying this force, the differing conditions here may demand developments along somewhat different lines.

7. There are other matters which are engaging the attention of H. E. the Commander-in-Chief; experiments in the use and reliability of smoke for screening purposes under our conditions are proceeding; anti-aircraft defence and anti-gas measures are matters requiring careful thought and both are receiving it whilst we are carefully watching experiments at Home in the provision of means of defence against armoured fighting vehicles. Obviously, however, it is not in the public interest to be as precise in these as in the other matters. The situation as regards rifles and other small arms may now be considered satisfactory. Steps are being taken to keep the R. A. F. in India up to date for which sums provision is being made from Army savings with no net addition to the Budget.

8. It has been suggested by ill-informed persons that the Army in India is conservative, if not reactionary, and that it fails to keep pace with or to profit by developments at Home. The fact is that the conditions are entirely different. The Army at Home, with unlimited technical, scientific and industrial resources behind it is in the best possible position to carry out experiments of all kinds, the results of which are freely placed at our disposal. We are not similarly placed and consequently whilst we watch the results of experiments at Home, and ourselves try out any new equipment resulting therefrom which may appear suitable to our needs, we have to be quite sure of our ground before we apply on a large scale the results of experiments which at Home have only been tried out or adopted on a comparatively small one.

Those who criticise any apparent slowness to move on our part, would be the first to condemn, and rightly condemn, the waste of money which would result from any change of policy, hastily thought out and put into effect, which might prove unsuitable to our particular conditions. As to its suitability or otherwise H. E. the Commander-in-Chief, who is in possession of all the factors in the problem, must be the arbiter. The existing arrangement by which the Army in India secures most valuable information from Home, without being forced to lower its own standard of preparedness to obtain it, is financially the most economical, and the most suitable to conditions at present existing. It is carried out in the closest consultation and in complete agreement between the responsible authorities here and at Home.

Pandit Hirday Nath Kunzru: In view of the statement of the Army Secretary that efforts are being made to make up for the Inchcape Committee's shortages, is the House to understand that Government are trying to revert to the position which existed before the Inchcape Committee reported?

Mr. G. M. Young: My statement refers solely to shortages in equipment. These shortages were caused, as I have said, by decelerating to some extent the rates of provision and renewal of part of the army's equipment. I think I have explained sufficiently in my statement what the situation is. We have now very nearly caught up again.

Mr. Gaya Prasad Singh: Will Government kindly state definitely whether the policy of progressive reduction in military expenditure has been abandoned as referred to in part (*ii*) of my question No. 158 (starred) to which the Honourable Member has made a reference?

Mr. G. M. Young: I think I have already said that in the immediate present there is no prospect of a further reduction.

Pandit Hirday Nath Kunzru: May I ask whether Government have allowed the Army Department to appropriate towards army expenditure the economies resulting from reductions in the salaries of British officers and British soldiers?

Mr. G. M. Young: I must ask for notice of that question.

Pandit Hirday Nath Kunzru: As the Honourable Member has said that all economies made would be allowed to be used towards making up the deficiencies now observed in regard to equipment, is the House to understand that the economies that are not due to the efforts of the Army Department will also be allowed to be utilised by the Army Department?

Mr. G. M. Young: I am not quite sure that I have understood the question. There is, as I have already explained, an informal arrangement by which economies, effected in this special economy campaign amongst the various formations of the army, may be re-appropriated towards the equipment programme. The reduction of salaries which my Honourable friend refers to does not form part of the special economy campaign, which is mainly economies in equipment and transportation.

Pandit Hirday Nath Kunzru: Am I to understand that the Finance Department has allowed only the economies resulting from the efforts of the Army Department itself to be re-appropriated for army expenditure?

Mr. G. M. Young: It is the business of the Army Department to effect all the economies it can in the various branches of the army administration and those economies no doubt will be applied to meet army needs.

ARTICLE IN THE *Pioneer* OF JULY 1ST ENTITLED "THE ARMY SCANDAL", "SIR W. BIRDWOOD'S SCHEME".

†121. ***Mr. C. S. Ranga Iyer**: (*a*) Has the attention of the Government been drawn to an article in the *Pioneer* of July 1st, on page 1 from its special correspondent, entitled "The Army Scandal", "Sir W. Birdwood's Scheme"?

(*b*) Will the Government be pleased to publish the scheme of His Excellency the Commander-in-Chief?

MODERNIZATION OF THE ARMY IN INDIA.

†122. ***Mr. C. S. Ranga Iyer**: (*a*) Has the attention of the Government been drawn to the following observations of the *Pioneer's* Simla correspondent?

"No attempt is made to minimize the truth of the assertion that India is not as ready for war as it should be and the Skeen memorandum and the programme planned out by the Commander-in-Chief are held in military circles to be definite proof of their ability to grasp the situation".

(*b*) Is any scheme of modernization going to be put into effect?

(*c*) If so, will the Government be pleased to make a statement on the same?

(*d*) Do Government propose to take the Assembly into confidence in regard to the scheme?

(*e*) Is it a fact that the scheme will cause more military expenditure for India than she has been burdened with?

(*f*) Is His Majesty's Government going to bear part of that expenditure?

‡Nos. *123 to *137.

REVISION OF THE PAY AND DUTY ALLOWANCE OF DIVISIONAL ACCOUNTANTS OF THE PUBLIC WORKS DEPARTMENT.

138. ***Mr. Lalchand Navalrai**: (*a*) Are Government aware of the anomalous character of the last revision made in the salaries of the Public Works Department Divisional Accountants by which a Divisional Accountant gets a start of Rs. 100 only whereas his 1st clerk in the Bombay Presidency starts with Rs. 105 and the Head Clerk of the Executive Engineer junior in grade to him starts on Rs. 130?

(*b*) Is it a fact that the maximum pay of a Public Works Department Divisional Accountant was Rs. 240 per mensem in 1864 and has now been raised only by Rs. 60, *i.e.*, 25 per cent., whereas the maximum pay of the Head Clerk of the Executive Engineer's office has been raised from Rs. 80 to Rs. 180, *i.e.*, 125 per cent.?

(*c*) Do Government propose to direct a more equitable and suitable revision of the pay and duty allowance of the Divisional Accountants compatible with their status and responsibility?

†For answer to this question, *see* answer to question No. 120.

‡For answers to these questions, *see* at the end of questions for the day.

The Honourable Sir Bhupendra Nath Mitra: (*a*) and (*b*). The facts as regards the minimum and maximum rates of pay of divisional accountants are as stated by the Honourable Member. A Divisional accountant placed in charge of the accounts of a Public Works Division gets a special pay of Rs. 20 in the earlier stages of his career, which is reduced to Rs. 10 on his reaching the Rs. 140 stage and is extinguished on his attaining Rs. 150. Government have no information regarding the pay of 1st clerks and Head Clerks of Executive Engineers' Offices in the Bombay Presidency.

(*c*) The pay of divisional accountants was revised only in 1925 and Government do not consider a further revision to be necessary.

Mr. Lalchand Navalrai: Will the Government kindly make enquiries to find out the effect of the course referred to in the answer to clause (*b*)?

The Honourable Sir Bhupendra Nath Mitra: Government have no intention to make such an enquiry.

ISSUE OF INSTRUCTIONS TO INCOME-TAX OFFICERS REGARDING FIRMS WHICH HAVE BEEN REGISTERED.

139. ***Mr. Lalchand Navalrai**: (*a*) Will Government be pleased to state if it is a fact that the Central Board of Revenue has issued instructions to Income-tax Officers to the effect that they should, in the case of firms which have been "registered" in any year, ascertain from such firms whether they desire a renewal of registration in the succeeding year if they find no application for re-registration in such cases?

(*b*) If the reply be in the affirmative will Government be pleased to state if they are prepared to direct the Commissioners of Income-tax to inquire into such cases in which the Income-tax Officers have failed to carry out these instructions?

The Honourable Sir Bhupendra Nath Mitra: (*a*) Yes.

(*b*) The Government are not aware of any necessity for the issue of general instructions on the subject which should in any case be issued if at all by the Central Board of Revenue. If any person considers himself aggrieved by failure to observe the instructions in question he should address the Commissioner of Income-tax, and if dissatisfied with the result should approach the Central Board of Revenue.

PUBLICATION OF THE TOUR PROGRAMMES OF INCOME-TAX OFFICERS IN SIND.

140. ***Mr. Lalchand Navalrai**: (*a*) Will Government be pleased to state if it is a fact that after the transfer of income-tax assessment work from the Revenue Department to the Income-tax Department, instructions have been issued to officers of the Income-tax Department in moffusil areas to publish their tour programme and not drag assessees to long distances from their places of business to attend the Income-tax Officer's camp?

(*b*) If the reply be in the affirmative are Government aware that no tour programmes are published by touring officers of the Income-tax Department in Sindh and that parties are called upon to attend an Income-tax Officer's camp or headquarters stations from every long distances especially in the Karachi and Tharparkar districts and further that in several cases people are dragged from camp to camp?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The Commissioner of Income-tax reports that tour programmes of officers of the Income-tax Department are posted at the Income-tax Offices and sent to the Muktyarkars of all Talukas to be posted on their Office Notice Boards. As far as possible cases are dealt with near the residences of the assessees concerned. The Income-tax Officer, Thar and Parkar, camped at 29 different places in his charge last year.

Mr. Lalchand Navalrai : Will the Government be pleased to direct that the programmes be published in the newspapers ?

The Honourable Sir Bhupendra Nath Mitra : Unless the need for that is established, Government have no intention of doing so.

PAYMENT OF BHATTA AND TRAVELLING ALLOWANCES TO WITNESSES SUMMONED BEFORE INCOME-TAX OFFICERS.

141. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if any instructions have been issued to Income-tax officers for payment of *bhatta* and travelling expenses out of their contingent grants in cases in which witnesses are called to appear and give evidence before the Income-tax Officers at their own instance and not the instance of assessees ?

(*b*) If the reply be in the affirmative do Government propose to enquire in how many cases summonses have been issued to witnesses who are called by the Income-tax officers *suo motu* and in how many cases they have not been paid *bhatta* and travelling expenses ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Honourable Member is referred to the last sub-paragraph of paragraph 67 of the Income-tax Manual. The expenditure in question would properly be charged to contingencies.

(*b*) The Central Board of Revenue are ascertaining what the practice is in the different provinces, and will issue such instructions as are found to be necessary.

PRODUCTION BY ASSESSEES OF BOOKS, DOCUMENTS AND EVIDENCE BEFORE INCOME-TAX OFFICERS.

142. ***Mr. Lalchand Navalrai** : (*a*) Are Government aware that in Sind people are called upon by Income-tax Officers under sub-section (4) of section 22, Indian Income-tax Act, to appear before them with books, documents and evidence regarding their income without issuing in the first instance notices under sub-section (2) of that section and serving them on such persons as required by law ?

(*b*) If the reply be in the affirmative, do Government propose to undertake an enquiry regarding the extent to which this practice has obtained in various provinces in general and in Sind in particular and to direct Commissioners of Income-tax to take suitable notice of such cases ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No, except possibly in rare instances by oversight.

(*b*) Does not arise.

ISSUE OF ORDERS BY INCOME-TAX OFFICERS TO PARTIES TO GIVE THEM INTERVIEW IN THEIR OFFICES.

143. ***Mr. Lalchand Navalrai** : (*a*) Are Government aware that several notices are annually issued by Income-tax Officers to parties to give them interviews in their offices ?

(*b*) If the reply be in the affirmative, will Government be pleased to state under what provision of the law this practice is allowed ?

(*c*) If the reply be in the negative, do Government propose to undertake an enquiry regarding the extent to which this practice obtains and to issue orders for putting an end to it ?

The Honourable Sir Bhupendra Nath Mitra : (*a*), (*b*) and (*c*).

The Income-tax Officer has power to require any person on whom a notice has been sent under section 22 (2) to appear either in person or by representative, or to produce evidence, or cause it to be produced, under section 23 (2) ; or to produce evidence or cause it to be produced under section 22 (4), and has all the powers of a Civil Court in regard to the summoning of persons and documents under section 37. No doubt many notices and summons are issued under these sections. In many cases, Income-tax Officers may informally invite assessees to attend their offices in person or by representative to discuss matters. If any person considers that an illegal requisition (as distinguished from a request) for his appearance has been issued, he should address the Commissioner of Income-tax, and if dissatisfied with the result should approach the Central Board of Revenue, but, of course, if he disregarded such a requisition or a mere request he would not be liable to any penalty. I will only add that it is most desirable, I might say essential, that wherever a return is not accepted, the Income-tax Officer should discuss the proposed assessment with the assessee or his accredited representative. Income-tax Officers have been instructed, as far as possible, to adopt this course, which saves trouble to all concerned and obviates unnecessary appeals. The Government are not aware of any circumstances necessitating an enquiry into this subject.

DURATION OF TIME ALLOWED BY INCOME-TAX OFFICERS BETWEEN THE SERVICE OF NOTICE TO PARTIES AND THE DUTY FIXED FOR THEIR ATTENDANCE.

144. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if any instructions have been issued to Income-tax Officers regarding the period of time that must be allowed between the service of notices under sub-section (4) of section 22 or sub-section (2) of section 23 of Indian Income-tax Act, 1922, and therewith ?

(*b*) If the reply be in the affirmative, will Government be pleased to lay on the table a copy of these instructions ?

(*c*) Are Government aware that so far as Sind is concerned and especially in Karachi the duration of time between the service of such notices and the date fixed for attendance varies in a large majority of cases from less than a single day to two, three or four days ?

(*d*) If the reply be in the affirmative do Government propose to issue instructions to allow reasonable time ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) Does not arise.

(*c*) The Government are informed that such short periods are seldom fixed.

(*d*) Does not arise.

PERIOD ALLOWED FOR THE SUBMISSION OF RETURNS IN THE CASE OF NOTICES ISSUED UNDER SECTION 22(2) OF THE INDIAN INCOME-TAX ACT, 1922.

145. ***Mr. Lalchand Navalrai** : (*a*) Are Government aware that in a large majority of cases notices issued by Income-tax Officers under sub-section (2) of section 22 of the Indian Income-tax Act, 1922, a period of 30 days for submission of returns has not been allowed in Sind and in the Punjab ?

(*b*) If so, do Government propose to take necessary action in the matter ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Government have no information on the subject.

(*b*) The Central Board of Revenue are making enquiries and will issue such instructions as may be necessary.

CURTAILMENT OF THE ORDINARY PERIOD OF 30 DAYS BETWEEN THE DATE OF SERVICE OF A NOTICE UNDER SECTION 29 OF THE INDIAN INCOME-TAX ACT, 1922, AND THE PAYMENT OF THE TAX.

146. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if any instructions have been issued to Income-tax Officers regarding the cases in which they should curtail the ordinary period of thirty days between the date of service of a notice under section 29 of the Indian Income-tax Act, 1922, and the payment of tax, under section 45 of the Act ?

(*b*) If the reply be in the affirmative, will Government be pleased to place on the Assembly table a copy of these instructions ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No such instructions have been issued by the Central Board of Revenue. The Income-tax Officer has full discretion under sections 29 and 45 of the Indian Income-tax Act (XI-22) to fix the period in question.

(*b*) Does not arise.

SCALE OF PENALTIES TO BE INFLICTED IN THE CASE OF ASSESSEES FOR DEFAULT IN MAKING PAYMENT UNDER SECTION 46(1) OF THE INDIAN INCOME-TAX ACT, 1922.

147. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if it is a fact that a scale of penalties to be inflicted by Income-tax Officers has been prescribed by the Central Board of Revenue for assessees in default in making payment under section 46 (*1*) of the Indian Income-tax Act, 1922 ?

(*b*) If the reply be in the affirmative will Government be pleased to lay on the Assembly table a copy of the orders issued ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No such instructions have been issued by the Central Board of Revenue. The Income-tax Officer has full discretion under section 46 (*1*) of the Indian Income-tax Act (XI-22) to fix the penalties in question subject to the statutory maximum.

(*b*) Does not arise.

MANNER AND PLACE OF ANNOUNCEMENT OF THE ORDERS PASSED BY ASSISTANT COMMISSIONERS OF INCOME-TAX UNDER SECTION 31(3) OF THE INDIAN INCOME-TAX ACT, 1922.

148. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if any instructions have been issued to the Assistant Commissioners of Income-tax regarding the manner and place of announcement of the orders passed by them under section 31 (3) of the Indian Income-tax Act, 1922 ?

(*b*) If the reply be in the affirmative will Government be pleased to lay on the Assembly table a copy of these instructions ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No such instructions have been issued by the Central Board of Revenue.

(*b*) Does not arise.

Mr. Lalchand Navalrai : Will the Government issue instructions to that effect ?

The Honourable Sir Bhupendra Nath Mitra : The issue of instructions is not considered necessary at present by Government.

Mr. Lalchand Navalrai : What are the reasons why they do not consider the issue of instructions necessary ?

The Honourable Sir Bhupendra Nath Mitra : Well, Sir, I have said already that Government see no reason to issue any instructions in the matter and I am not prepared at the present moment to discuss the matter with the Honourable Member.

ORDERS UNDER SECTION 31 OF THE INDIAN INCOME-TAX ACT, 1922.

149. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if it is a fact that in Sind orders under section 31 of the Indian Income-tax Act, 1922, are often passed long after the hearing of the appeals, and that they are forwarded to appellants through Income-tax Officers ?

(*b*) Are Government aware that in a large majority of cases they reach the appellants after the period of one month referred to in section 66 (2) of the Act and that it has not been possible for assessees to seek references to the High Court in proper time ?

(*c*) Will Government be pleased to state the number of cases of such late service in which the Commissioner of Income-tax, Bombay Presidency, has refused to refer to the High Court cases under section 66 (2) of the Income-tax Act, 1922 ?

(*d*) Is it a fact that the bar of limitation was reckoned from the date of the orders of the Assistant Commissioner of Income-tax under section 31 of the Act ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Orders under section 31 are not often passed long after the hearing. The Commissioner noticed in May last that delays were caused by communicating them through Income-tax Officers and ordered that they should be communicated immediately to the parties direct.

(*b*) The orders are communicated within 30 days after the date on which they are passed in the vast majority of cases.

(*c*) In 1927-28 one application was rejected as time-barred. The assessee had 17 days in which to make his application after the appeal decision was served on him. None has been rejected as time-barred in 1928-29.

(*d*) Yes.

ISSUE OF NOTICE TO INCOME-TAX ASSESSEES TO RECEIVE REFUND ORDERS.

150. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if instructions have been issued to Income-tax Officers that they should issue notices to the assessees to receive refund orders of the tax due to them in consequence of orders passed under section 31 or section 27 of the Indian Income-tax Act, 1922 ?

(*b*) If the reply be in the affirmative will Government be pleased to place on the Assembly table a copy of the instructions issued to them ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No such orders have been issued by the Central Board of Revenue.

(*b*) Does not arise.

Mr. Lalchand Navalrai : Will orders be issued ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member puts his question in a certain form. If he wanted to know whether orders would be issued by Government in any particular matter he should have framed his question in a different manner which might have given Government an opportunity of considering the point.

ISSUE OF NOTICE TO INCOME-TAX ASSESSEES TO RECEIVE REFUND ORDERS IN CASES IN WHICH THE TAX IS REDUCED OR CANCELLED.

151. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state if it is a fact that in a large majority of cases no notice is issued to assessees to receive refund orders in cases in which the tax is reduced or cancelled on appeals under section 31 of the Act or the assessment is re-opened under section 27 of the Act ?

(*b*) If the reply be in the affirmative do Government propose to issue instructions in this behalf ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). The Government have no information. The Central Board of Revenue have called for information on the point and will issue such instructions as may be necessary.

DELAY IN THE PAYMENT OF REFUNDS DUE TO INCOME-TAX ASSESSEES.

152. ***Mr. Lalchand Navalrai** : (*a*) Are Government aware that considerable delay occurs in the payment of refunds due to income-tax assessees whose taxes have been reduced or cancelled in consequence of orders under sections 31 and 27 of the Indian Income-tax Act, 1922 ?

(*b*) Will Government be pleased to state showing for each district in Sind, the number of cases in which such delay exceeded thirty days ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) As a general case, no

(*b*) The figures for each circle are as follows :

Name of Circle.	*No. of cases of delay over 30 days.*
Karachi City, A—Division	.. *nil.*
Karachi City, B—Division	.. *nil.*
Hyderabad Circle	.. *nil.*
Karachi and Thar and Parkar Districts Circle	.. 20
Sukkur and Nawabshah Circle	.. *nil.*
Larkana Circle	.. 1
Shikarpur Circle	.. *nil.*

PENALTY INFLICTED ON INCOME-TAX ASSESSEES IN SIND, FOR DEFAULT IN MAKING PAYMENTS OF THE TAX.

153. ***Mr. Lalchand Navalrai** : Will Government be pleased to place on the Assembly table a list showing for each of the years 1922-23 to 1927-28 the number of cases in each Income-tax Officer's charge in Sind, in which penalty has been inflicted in consequence of default in making payments of tax for which less than thirty days for payment were allowed in exercise of the discretion vested in them by section 45 of the Indian Income-tax Act, 1922 ?

The Honourable Sir Bhupendra Nath Mitra : A statement is laid on the table. In no case, however, was the penalty imposed before the expiry of thirty days from the date of the notice demanding payment.

Statement showing for each of the years 1922-23 to 1927-28 the number of cases in each Income-tax Officer's charge in Sind in which penalty has been inflicted in consequence of default in making payments of tax for which less than 30 days for payment were allowed.

Name of the Income-tax Officer's charge.	1922-23.	No. of cases	1923-24	No. of cases.	1924-25.	No. of cases.	1925-26.	No. of cases.	1926-27.	No. of cases.	1927-28.	No. of cases.
Karachi City ..	,,	*Nil*	,,	*Nil*	,,	4	,,	37	,,	*Nil*	,,	1
Karachi and Thar Parkar Districts.	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	4
Hyderabad ..	,,	2	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*
Sukkur ..	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*
Shikarpur ..	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*
Larkana ..	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*	,,	*Nil*

SPEECH DELIVERED BY LORD BURNHAM, REGARDING INDIAN MARKETS FOR BRITISH GOODS.

154. ***Mr. Gaya Prasad Singh** : Has the attention of the Government been drawn to the following remarks recently made by Lord Burnham, as President of the Incorporated States Managers' Association of the United Kingdom :

(*i*) " The incurable modesty of the Government of India is so great as to reach the point of absurdity. It blushes to have good records said about it, and I confess good records are very few and far between. When I stood on

the Sutlej Barrage—the work of British Engineers—and saw the water pouring out into Bikaner State, I felt proud of belonging to the country, which has conferred immeasurable benefits on the people of India " ?

(ii) " British manufacturers should do more to expand their trade with the Indian Empire. There was bound to be an increasing demand for luxuries as well as commodities " ?

(iii) " India offered one of the greatest opportunities for Imperial trade " ?

The Honourable Mr. J. Crerar : My attention was not drawn to the speech until I saw the Honourable Member's question.

Mr. N. M. Joshi : A supplementary question, Sir. Government's attention has now been drawn to the statement that the Sutlej Barrage is the work of British engineers, and I want to know whether that statement is correct.

The Honourable Mr. J. Crerar : I do not accept any responsibility. I neither deny nor affirm the statement made in the speech.

Mr. N. M. Joshi : That was not my question. My question is whether that statement is correct or not, that the Sutlej Barrage is the work of British engineers. Is it the work of British engineers ?

The Honourable Mr. J. Crerar : I think that it will be the result of a very admirable piece of collaboration between British and Indian engineers.

Mr. N. M. Joshi : May I ask if this statement is not correct, will Government be pleased to write to the gentleman in question that the statement made by him is not correct ?

The Honourable Mr. J. Crerar : No, Sir. Government do not consider it incumbent upon them to take any action.

Mr. N. M. Joshi : May I ask whether this is the result of the vacant minds which the members of this Commission were expected to bring to India ?

Mr. Gaya Prasad Singh : Do Government propose to represent to His Majesty's Government the desirability of withdrawing this gentleman from the Simon Commission having regard to the prejudiced views which he has expressed ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. K. Ahmed : In view of the fact that notice of this question was given a long time ago, why did not the Honourable the Home Member try his level best to get a copy of the speech in order to answer the question properly and fairly to the people of India ?

The Honourable Mr. J. Crerar : I presumed that the Honourable Member, Mr. Gaya Prasad Singh, had incorporated in his question all that was pertinent to his enquiry.

Maulvi Muhammad Yakub : Do Government propose to communicate to the Secretary of State for India the feelings of this House about the particular gentleman ?

The Honourable Mr. J. Crerar : I have already stated that Government do not consider it incumbent upon them to take any action.

Mr. C. S. Ranga Iyer : Will the Government convey to His Majesty's Government the very objectionable nature of the practice of members of the Simon Commission doing propaganda for British trade ?

Mr. K. Ahmed : In view of the fact that Lord Burnham came to this country for the purpose of supporting British trade and British luxuries and to see that Indian people are induced to purchase these luxuries from England and that English people are to supply their goods to this country, do Government propose to take steps to stop Lord Burnham going about beating his drum for this purpose ?

The Honourable Mr. J. Crerar : I am unable to accede to the Honourable Member's hypothesis.

Mr. K. Ahmed : Does the Honourable Member realise with regard to clause (*ii*) of this question what Lord Burnham said that British manufacturers should do more to expand their trade with the Indian Empire and that there was bound to be an increasing demand for luxuries as well as other commodities ? Will the Honourable Member put a stop to this as it is detrimental to the interest of India ?

Lala Lajpat Rai : Considering that the Government identifies itself practically with the Simon Commission and arranges for their reception, does not the Government consider it a duty to remove all misapprehensions about the statements which the members of the Commission make in England and in India ?

The Honourable Mr. J. Crerar : No, Sir ; the members of the Commission are quite capable of speaking for themselves.

Lala Lajpat Rai : Will the Government cease to arrange for their receptions ?

Mr. M. S. Aney : May I ask if the Govermnent is interested in allowing these false statements to remain unchallenged ?

AMENDMENT OF THE GOVERNMENT OF INDIA ACT, SO AS TO ALLOW PERSONS WHO ARE NOT LAWYERS TO BECOME CHIEF JUSTICES OF INDIAN HIGH COURTS.

155. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that a Bill has been introduced in the House of Lords, amending the Government of India Act, the object of which is to throw open the office of Chief Justice of Indian High Courts to persons who are not lawyers ? If so, are they aware of the reason for introducing this innovation ?

(*b*) Do Government propose to invite Indian public opinion on the subject, before the measure is passed ?

The Honourable Mr. J. Crerar : (*a*) The effect of the Bill is to make it clear that persons legally eligible to be puisne judges shall be similarly eligible for the office of Chief Justice.

(*b*) As the Honourable Member is aware, the text of the Bill was published in this country on June 14th, and since then Government have received information of resolutions by various Bar Associations. They have also received a copy of a resolution passed by a public meeting in Bombay and, as the Honourable Member is aware, notice of a Resolution relating to the Bill has been received for this Session.

No further proceedings on the Bill can in any event be taken till Parliament next meets and there will therefore be full opportunity for opinions with regard to it to be expressed.

Mr. Gaya Prasad Singh : Is it a fact, Sir, that the Government of India during the Viceroyalty of Lord Minto sent a despatch to the Secretary of State, objecting to the appointment of the members of the Indian Civil Service as Chief Justices of Indian High Courts ?

The Honourable Mr. J. Crerar : I am not aware of any such despatch. If the Honourable Member will give me notice, I shall consider whether I can give him a reply.

Mr. K. Ahmed : In view of the fact that there is a great commotion in the country with regard to the appointment of the members of the Indian Civil Service to be Chief Justices, do Government propose—of course I have great respect for the members of the Indian Civil Service—for the benefit of the country, and to satisfy the people that the administration is carried on fairly well, to correspond and consult with the associations and representatives of the people of this country in this House, and ask them whether they approve of the appointment of members of the Civil Service to be Chief Justice of any High Court ?

The Honourable Mr. J. Crerar : I shall transmit to the proper quarter any expression of opinion on the subject, which I may receive.

Lala Lajpat Rai : Is it or is it not a fact that the first suggestion that the office of Chief Justice should be open to members of the Civil Service came from the Secretary of State for India and the Government of India readily accepted it ?

The Honourable Mr. J. Crerar : I think the Honourable Member is aware that I am precluded from referring to matters which are the subject of correspondence with the Secretary of State unless and until the documents are duly published with his consent.

Lala Lajpat Rai : Does the Honourable Member recognise, considering the great importance of the question and the great interest taken in it by the people, that the Indian people have a right to know what is the attitude of the Government of India towards this question ?

The Honourable Mr. J. Crerar : I have already stated that there is still ample opportunity. If any one desires to express an opinion on this matter, I shall be pleased to communicate it to the Secretary of State.

Mr. C. S. Ranga Iyer : Will the Government be pleased to publish the documents relating to the correspondence on the subject between the Government of India and the Secretary of State ?

The Honourable Mr. J. Crerar : No, Sir. I can give no undertaking on that point.

Mr. C. S. Ranga Iyer : Is the Government aware that there is a great deal of public opinion on this matter and that it is but fair that the country should know exactly what has passed between the Government of India and the Secretary of State ?

The Honourable Mr. J. Crerar : I take note of the Honourable Member's statement that there is a great deal of public opinion in the matter. But I did recently see in a nationalist newspaper of wide circulation an emphatic comment on the lack of public interest in the matter.

DEPUTATION OF THE INDIAN POLICE ASSOCIATION TO HIS EXCELLENCY THE VICEROY.

156. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that a deputation of the Imperial Police Association recently submitted a representation to the Government at Simla, regarding the pay, prospects, and other alleged "grievances" of the European Police ? Will the Government be pleased to lay on the table a copy of this representation, and the reply thereto ?

(*b*) Have Government taken any steps, or propose to take any steps on this representation ?

The Honourable Mr. J. Crerar : (*a*) The facts are as stated by the Honourable Member, except that the deputation represented the Indian Police Service as a whole, and not merely its European members. Government do not consider it necessary to lay on the table any papers on the subject.

(*b*) The different matters discussed with the deputation are being considered.

LOCATION OF ANOTHER MILITARY FORCE IN NORTH BIHAR ON THE NEPAL FRONTIER.

157. ***Mr. Gaya Prasad Singh** : (*a*) Is it in contemplation to locate another military force in North Bihar, on the Nepal Frontier ?

(*b*) If so, is it a fact that a large tract of land is being acquired near about Ruxaul, District Champaran, for the purpose ?

(*c*) Will the Government be pleased to state the reasons for locating the force in this area ?

Mr. G. M. Young : (*a*) and (*b*). No.

(*c*) Does not arise.

SKEEN MEMORANDUM REGARDING MODERNISATION OF THE ARMY IN INDIA.

†158. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that a memorandum No. 25316|1|S.D.-2 marked "confidential", has been issued by Lieutenant-General Sir Andrew Skeen or by the Army Department, to certain Headquarters Command, in course of which it is stated :

(*i*) "Owing to the developments that have taken place in foreign armies, and with which we must keep pace, we have now reached a state when the Army in India needs to spend during the next few years a minimum of 8 crores of rupees on the modernisation of armaments, and equipments, in addition to the sum normally available for the purpose" ?

(*ii*) "The Government of India have recognised that in view of the urgent need for equipping the army on modern lines, the policy of progressive reduction must be temporarily abandoned, and have recently come to an agreement with the Commander-in-Chief on this subject" ?

(*b*) Do Government propose to place a copy of this memorandum, or any other similar memorandum on the table ; and indicate the kind of agreement arrived at ?

†For answer to this question, see answer to question No. 120.

SEARCH BY THE CUSTOMS OFFICIALS AT DOVER OF THE BAGGAGE OF MAULANA MUHAMMAD ALI.

159. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that as soon as Maulana Mohammad Ali landed at Dover, certain persons announcing themselves as custom officials took hold of his belongings, and subjected them to a vigorous search, including even his papers and letters ?

(*b*) Do Government propose to enquire into this complaint, and find out whether all Europeans and Indians visiting England are subjected to this sort of search ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) The Government of India have not received any complaint and do not propose to make any enquiry. The search of luggage of all passengers arriving at English ports is regularly carried out and does not call for comment.

WEEKLY MAIL AIR SERVICE FROM LONDON TO INDIA.

160. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that it is proposed to enter into an agreement with the Imperial Airways, Ltd., to organise a weekly mail service from London to India, and to grant a subsidy for the purpose ?

(*b*) What is the annual amount of subsidy agreed upon, and when is the weekly service likely to come into existence ?

The Honourable Mr. A. C. McWatters : (*a*) No. The Government of India are considering the question of establishing an air mail route in India itself, but they have not been conducting negotiations for this purpose with any company, and do not intend to make any agreement of this kind without calling for tenders.

(*b*) Does not arise.

DUTCH AIR SERVICE TO BATAVIA, *via* INDIA.

161. ***Mr. Gaya Prasad Singh** : Are Government aware of any official proposals of the Netherland's authorities for a Dutch Air Service to Batavia, *viâ* India ? And have the Government agreed to this proposal ?

The Honourable Mr. A. C. McWatters : The Government of India have received no official proposals for a regular service and in consequence no question of agreeing to such a service has arisen. They have been informed that a Dutch Company proposes to organise trial flights, *via* India between Holland and the Dutch East Indies in 1929.

SEPARATION OF THE ASSEMBLY OFFICE FROM THE LEGISLATIVE DEPARTMENT.

162. ***Mr. Gaya Prasad Singh** : (*a*) Do Government propose to lay on the table a copy of the scheme put up by Honourable the President of this House, regarding the separation of the Assembly Office from the Legislative Department of the Government ?

(*b*) When is the proposal likely to come into effect ; and what is the additional annual expenditure, if any, involved ?

Mr. President : With regard to this question, I may inform the Honourable Member that I propose to make a full statement on the separation scheme to-day after questions, and the Honourable Member had better wait till I make the statement.

NOTICE ISSUED BY THE PASSPORT OFFICER, SINGAPORE, REGARDING PASSPORTS FOR INDIANS WISHING TO TRAVEL TO NON-BRITISH TERRITORY AFTER THEIR ARRIVAL IN MALAYA.

163. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the following notice has been issued by the Passport Officer, Singapore :

"As from the 1st September, 1928, no emergency certificate of nationality will be issued to British subjects or non-British subjects for travel to any non-British territory, all British subjects, more specially Indians, who intend to travel to other places, after their arrival in Malaya, should obtain passports in their country of origin, as the Malayan Passport Offices will not issue passports to persons, who are not domiciled in Malaya, without previous reference to their country of origin" ?

(*b*) Do Government propose to enquire into the matter ?

Sir Denys Bray : (*a*) Yes.

(*b*) No enquiry is necessary, the position is simply this. As a special concession, Indians travelling between India and Malaya are exempt from passports. In the case of Indians, therefore, prior notice is doubly necessary that those who desire to travel beyond Malaya should forearm themselves with passports in their own country.

VISIT OF DR. SUDHINDRA BOSE TO INDIA.

164. ***Mr. Gaya Prasad Singh** : Is it a fact that Dr. Sudhindra Bose has been given a passport on condition that he should stay in India for not more than six months, and that he would not engage in any political activities ? If so, why this restriction ?

The Honourable Mr. J. Crerar : The visa on Dr. Bose's passport was for a visit of six months only. The Government of India are not aware that any other condition was imposed. The restriction was imposed because Dr. Bose's past record was considered doubtful.

Mr. C. S. Ranga Iyer : Will the Government be pleased to lay on the table of the House for the information of Honourable Members here the past record of Dr. Bose, to which the Honourable Member just referred ?

The Honourable Mr. J. Crerar : I am not in personal possession of any very close record of Dr. Bose's past ; but I would inform the Honourable gentleman that Dr. Bose renounced British Indian nationality a few weeks after the outbreak of the war.

Mr. Gaya Prasad Singh : May I know why the Honourable Member has made a statement which he is not prepared to substantiate on the floor of the House ?

The Honourable Mr. J. Crerar : I do not admit that I am not prepared to substantiate it.

Mr. Gaya Prasad Singh : The Honourable Member has just said that he does not personally know the record of Dr. Bose.

The Honourable Mr. J. Crerar : I pointed out that the reason for the restriction on the visa was because Dr. Bose's past record was considered doubtful and I have given a relevant fact which is a reason for leading to that conclusion.

Pundit Motilal Nehru : Is that the whole record ?

The Honourable Mr. J. Crerar : No, Sir. But the point, I think, is sufficient to establish what I have stated in my reply.

Mr. C. S. Ranga Iyer : Is it not a fact that when Dr. Bose renounced his British Indian nationality, it was about the time when there was quite an agitation in America about Indians settled in America that they could not belong to British Indian nationality as well as to American nationality at one and the same time, and therefore he had to make a choice and not because of anything to do with the war ?

The Honourable Mr. J. Crerar : I am not aware what Dr. Bose's motives were ; I am merely reciting the facts.

Mr. C. S. Ranga Iyer : I am not concerned with the motives at all ; I am mentioning a fact and I want Government to investigate that fact, that Dr. Bose could not be at one and the same time an American citizen and a British Indian citizen and he had no choice ; but is it not open to Dr. Bose to resume his British Indian nationality and to come and settle in this country if he so chooses ?

Mr. K. Ahmed : As Dr. Bose had been given a passport to stay in India for not more than six months on condition that he would not engage himself in any political activities, will Government be pleased to say if he will be allowed to stay in this country for a longer period if some respectable people come forward and give an undertaking that he will behave himself properly ?

The Honourable Mr. J. Crerar : If Dr. Bose proposes to return to India the conditions under which he may return will be considered in due course.

Mr. K. Ahmed : If Dr. Bose or any of his friends write a letter to the Government of India asking that his case may be dealt with fairly and properly, so that he may return to his own country and stay here permanently, will Government be pleased to consider the matter favourably ?

The Honourable Mr. J. Crerar : Yes, Sir. I can assure the Honourable Member that his case will be dealt with properly and fairly.

Mr. C. S. Ranga Iyer : Is it a fact that Dr. Bose has asked for an unrestricted visa to enable him to visit India whenever he desired and permission, if he chooses, to settle down here permanently ?

The Honourable Mr. J. Crerar : I think that the reply I have already made substantially meets the Honourable Member's inquiry, which is, that if Dr. Bose desires to return to India the whole case will be very carefully considered.

Mr. C. S. Ranga Iyer : Has any reply been given to that effect to Dr. Bose ?

The Honourable Mr. J. Crerar : I must ask for notice of that question.

QUESTIONS NOT PUT, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

APPOINTMENT OF MUSLIMS AS PROBATIONARY SUPERINTENDENTS OF POST OFFICES.

77. ***Mr. Anwar-ul-Azim**: With reference to starred question No. 6 asked by Mr. Abdul Haye on the 18th August, 1927, will Government be pleased to state why the Government orders regarding the reservation of the one-third vacancies for Mussalmans were not observed in filling up the 6 posts of the Probationary Superintendents of Post Offices ? Will the Government be pleased to state how many appointments of Probationary Superintendents of Post Offices were made from 1st April, 1927 to 1st May, 1928, and how many of them were Mussalmans ? Was the loss suffered by the Mussalman community in filling up the 6 posts from August 1925 to April 1927 borne in mind while filling up the subsequent vacancies ?

The Honourable Mr. A. C. McWatters : There are no Government orders reserving one-third of the vacancies for Mussalmans.

Five appointments of Probationary Superintendents were made between the 1st April, 1927, and the 1st May, 1928. Two of these went to members of the Muslim community.

The orders of Government relating to the adjustment of communal inequalities are always kept in mind when vacancies are filled by direct recruitment.

GAZETTING OF THE POSTS OF ALL POSTMASTERS IN DISTRICT TOWNS AND SUB-DIVISIONAL HEADQUARTERS.

79. ***Mr. Anwar-ul-Azim** : Do Government propose to raise the posts of all Postmasters in District towns and Sub-Divisional Headquarters to gazetted Postmasters in order to improve their social and official position ?

The Honourable Mr. A. C. McWatters : The reply is in the negative.

PAY WHILE ON LEAVE OF NON-GAZETTED OFFICERS AND CLERKS OF THE POSTAL DEPARTMENT.

80. ***Mr. Anwar-ul-Azim** : With reference to the Government reply to the question of Pandit Thakurdas Bhargava regarding pay while on leave of non-gazetted officers and clerks of the Postal Department are Government aware that the non-gazetted officers and clerks whose pay was less than Rs. 300 and who held a permanent post on the 8th October 1924 suffered loss by the alterations in the rule ? If so, do Government propose to cancel the first alteration in order to redress the grievances of those officials who had a permanent post on the 8th October 1924 ? If not, why ?

The Honourable Mr. A. C. McWatters : The Government realise the effect of the alterations. Fundamental Rule No. 87 was intended only to safeguard to the officers concerned a special concession previously allowed to them by article 340 (c) of the Civil Service Regulations. By an error in drafting, however, the Fundamental Rule originally went further than this and introduced a new undesigned additional concession. The alterations now in question were necessary to correct this error. In

(*b*) Is it a fact that candidate clerk Yahia Zaman in the Bhagalpur Division was removed and subsequently recruited in the Monghyr Division ? Is it a fact immediately after his recruitment as a candidate in the Monghyr Division M. Yahia Zaman was deputed for training in telegraphy in supersession of the claims of other candidates senior to him ? Is it a fact that M. Yahia Zaman alone was examined instead of all the candidates being examined when the test papers of likely candidates were called for by the Postmaster General of the Bihar and Orisa Postal Circle ?

Mr. P. G. Rogers : (*a*) 5 and 4. 6 went to Hindus and 2 to Muhammadans.

(*b*) (*i*) Yes.

(*ii*) There was no supersession, Mr. Yahia Zaman was the second candidate on the list and was selected because the first was not willing to learn telegraphy.

(*iii*) As Mr. Yahia was the candidate selected by the Divisional Superintendent for telegraph training the Postmaster-General called for his dictation papers for scrutiny. As he was the senior candidate willing to undertake telegraph training, the question of calling for the papers of other candidates did not arise.

RECRUITMENT OF NON-MATRICULATES AS CLERKS IN THE PATNA DIVISION OF THE BIHAR AND ORISSA POSTAL CIRCLE.

127. ***Raja Raghunandan Prasad Singh** : Is it a fact that non-matriculates are recruited as candidates for clerkships in the Patna Division of the Bihar and Orissa Postal Circle ? If so, why ? How many such candidates have been taken in since 1926 up to 30th June 1928 ? Is it a fact that the Patna Division is comparatively backward in education ?

The Honourable Mr. A. C. McWatters : Non-matriculates are not ordinarily recruited as candidates in the Patna Division. A few exceptions to the rule were made with the previous sanction of the Postmaster-General. From June 1926 up to June 30th, 1928, five such candidates were taken, out of a total of 27 appointments made. As regards the educational condition of the Patna Division the Government of India are not in a position to make comparisons and I suggest that the question might more suitably be asked in the Provincial Council.

INADEQUACY OF THE PAY AND PROSPECTS OF SUPERINTENDENTS OF POST OFFICES.

128. ***Raja Raghunandan Prasad Singh** : Are Government aware that there is much discontent amongst the Superintendents of Post Offices, regarding the inadequacy of their pay and prospects ? If so, what remedial measures are proposed to be taken in the matter ?

REVISION OF THE PAY OF SUPERINTENDENTS OF POST OFFICES.

129. ***Raja Raghunandan Prasad Singh** : Are Government aware that the revision of pay of Superintendents of Post Offices sanctioned in their letter No. 11-P.T.E., dated the 15th March 1926, from the Secretary to the Government of India, Department of Industries and Labour, to the Director General of Posts and Telegraphs, India, did not satisfy the demands made by them from time to time since 1921 and that the Postal Officers' Association expressed dissatisfaction and declared the revision disappointing

by a telegram, dated the 20th March, 1926, to the Honourable Member in charge of the Department of Industries and Labour ? If so, what action have Government taken in the matter ?

REVISION OF THE PAY OF SUPERINTENDENTS OF POST OFFICES.

130. ***Raja Raghunandan Prasad Singh** : Are Government aware that the revision of pay of Superintendents of Post Offices sanctioned in 1926 has benefited a very small number of such officers and that the majority of them stand where they were before ? What do they propose to do for benefiting the latter ?

EFFECT OF THE REVISION OF THE PAY OF SUPERINTENDENTS OF POST OFFICES.

131. ***Raja Raghunandan Prasad Singh** : Will the Government be pleased to place on the table a statement in the following form ? :

Total number of Superintendents of Post Offices on the 1st April 1926.	Effect of revision of 1926.		
	No. of officers receiving Rs. 50 by the revision.	No. of officers receiving Rs. 20 by the revision.	No. of officers receiving Rs. 5 by the revision.

ANNUAL INCREMENTS OF SUPERINTENDENTS OF POST OFFICES.

132. ***Raja Raghunandan Prasad Singh** : Are Government aware that in the case of the first class Postmasters the rate of annual increment is Rs. 30 whereas in the case of Superintendents of Post Offices it is Rs. 20 up to a certain stage and then Rs. 25 ? If so, why this differential treatment specially when the latter have to tour about in one or more districts which the former have not to do ? Do the Government propose to remove this anomaly ?

FREE QUARTERS, FREE CONVEYANCE, ETC., FOR SUPERINTENDENTS OF POST OFFICES.

133. ***Raja Raghunandan Prasad Singh** : Are Government aware that first class Postmasters have certain amenities of life, namely, free quarters, free conveyance, etc., and that these amenities are not given to Superintendents of Post Offices ? Is it a fact that the former have a higher start (Rs. 350) than the latter (Rs. 300) ? If so, do they propose to remove this anomaly ?

DAILY ALLOWANCES OF SUPERINTENDENTS OF POST OFFICES.

134. *Raja Raghunandan Prasad Singh : Are Government aware that Superintendents of Post Offices in spite of being classed as first class officers get Rs. 4 per diem allowance instead of Rs. 5 allowed to first class officers of other Departments ? If so, do they propose to revise the amount to make it commensurate with their position ?

COUNTING TOWARDS INCREMENTS OF OFFICIATING SERVICES OF SUPERINTENDENTS OF POST OFFICES.

135. *Raja Raghunandan Prasad Singh : Is it a fact that the officiating services of certain Superintendents of Post Offices before their confirmation as such were not counted towards increment of pay and that such officers memorialised the Honourable Member for Industries in October 1926 ? If so, how does their case stand at present ? Why are the final orders delayed in the matter ?

The Honourable Mr. A. C. McWatters : With your permission, Sir, I will deal together with questions Nos. 128 to 135 inclusive, as these are identical with unstarred questions numbers 428 to 434 and 436 already asked by Kumar Ganganand Sinha on the 21st March, 1928. I would refer the Honourable Member to the Honourable Sir Bhupendra Nath Mitra's replies given on that date to those questions. A copy of the statement already furnished to the previous questioner in reply to his question No. 431 will now be forwarded to the Honourable Member for his information.

NAMES AND NATIONALITIES OF PROBATIONARY SUPERINTENDENTS OF POST OFFICES IN THE BIHAR AND ORISSA POSTAL CIRCLE.

136. *Raja Raghunandan Prasad Singh : (*a*) Will the Government be pleased to give the names and nationalities of the Superintendents of Post Offices appointed in the Bihar and Orissa Postal Circle since its creation in 1924 ?

(*b*) Is it a fact that of the ten appointments in the rank of Superintendents in the said Postal Circle as many as seven went to non-Biharees and that in making several of these appointments the Postmaster General was not consulted at all though the rules require nomination by the Postmaster General before a candidate is appointed ?

Mr. P. G. Rogers : (*a*) Presumably the Honourable Member refers to the appointments of Probationary Superintendents. A statement showing the names and nationalities of ten Probationary Superintendents who were attached to the Bihar and Orissa Circle for the purpose of training, will be furnished to the Honourable Member.

(*b*) Of the ten Probationary Superintendents, 3 belong to the Province of Bihar and Orissa. The rules do not require nomination by the Postmaster-General.

EXCESSIVE NUMBER OF MUHAMMADAN SUPERINTENDENTS OF POST OFFICES IN BIHAR AND ORISSA.

137. *Raja Raghunandan Prasad Singh : (*a*) Is it a fact that out of the total strength of twelve posts of Superintendents in the Bihar and Orissa Postal Circle, there are five Muhammadans against seven Hindus and that out of these seven Hindus only two are Biharees ?

(*b*) What is the proportion of the Hindus to the Muhammadans in Bihar and Orissa ?

(*c*) If the proportion of Hindus in Bihar and Orissa be much higher than the proportion of their representation in the ranks of Superintendents of Post Offices, how do the Government justify the latter ? Do they propose to stop the appointment of Muhammadans to Superintendentships for sometime till the disparity is made up ?

(*d*) Is it a fact that ever since the establishment of the Postal Administration in India only two Biharee Hindus have been appointed Superintendents of Post Offices ?

The Honourable Mr. A. C. McWatters : (*a*) Of the 12 Superintendents of Post Offices attached to the Bihar and Orissa Circle, 4 are Muhammadans, 1 is an Anglo-Indian and 7 are Hindus, of whom 2 are Bihari Hindus.

(*b*) Approximately 8 to 1.

(*c*) Superintendents of Post Offices belong to an All-India cadre for which recruitment is made in accordance with the general orders of the Government of India regarding representation of different communities. Their posting is not made on communal considerations. Government do not propose to take the action suggested by the Honourable Member.

(*d*) The information is not available.

SEPARATE OFFICE FOR THE LEGISLATIVE ASSEMBLY.

Mr. President : With the permission of the House, I desire to make a statement on the question of setting up a separate and independent department for the Assembly.

12 Noon.

As an elected President, I am responsible to the Assembly and to no other authority. No President can afford to ignore or withstand the wishes of the House, either expressed or implied. It is no doubt true that he wields large controlling powers, and his rulings on points of order and procedure must be accepted as final, at least for the time being ; but it is to be remembered that, after all, the will he imposes upon the House is not his personal will, but it is the law of the House itself ; and in all that the President does he is naturally restrained by a desire to have his action fully endorsed by the House as a whole. In fact, the ruling motive in his mind always is to act fairly between all Parties and to give satisfaction all round. Since I assumed charge of this office, I have found the Assembly and its President labouring under a serious handicap in two essential particulars, and this makes smooth and satisfactory working of the legislative machinery very difficult. The President is an impartial interpreter and administrator of the rules of the House, but these rules are not made by it, nor has it the power to amend them to suit its requirements. They are amended from time to time by the Governor General in Council with the sanction of the Secretary of State, and neither the Assembly nor its President has any

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right even to be consulted. In the interpretation of the rules, the President has to rely on the advice of the Secretary of the Assembly, and in the administration thereof by the office he has to rely on the efficiency, independence and reliability of the staff and the Secretary. Every Member of the House has in the discharge of his duties to deal both with the Secretary and his staff, and if he fails to get satisfaction, the fault is naturally laid at the door of the President, who is supposed to be the controlling authority. It goes without saying that if the business of the House is to be carried on to its satisfaction, the Secretary and the staff must in some form be responsible to the House and its President, and not be subordinate to any outside authority. The President must feel that he is getting independent and impartial advice from the Secretary; the Secretary and the staff must also feel that they are there solely to serve and further the best interests of the Assembly.

As matters stand at present, the Secretary of the Assembly owes no allegiance to it or to the President; he is for all practical purposes responsible to the Governor General in Council. In every question at issue between the Government and the representatives of the people, he is bound to identify himself with Government. He is invariably nominated a Member of the House and, as such, he joins a Party, votes with them, works for them, and is one of them. Neither the Assembly nor its President has any authority over him and can, therefore, in any way control his conduct in any matter connected with the Assembly. The President cannot in the nature of things, therefore, regard the advice of the Secretary in connection with the business of the Assembly as coming from a wholly impartial, unbiassed and independent source, and it is natural for the same reason that the Assembly should desire radical reform in the present state of things. I am glad to be able to say in this connection that His Excellency the Viceroy has, at my request, discontinued the practice of nominating the Secretary as a Member of the Assembly from this Session. But this, as the House will understand, is merely a palliative and the root cause of the trouble remains unaffected.

As regards the staff, I will only make one observation. My experience is that they feel difficulty in approaching the President freely, or in seeking his advice in the discharge of their duties lest, by doing so they should run the risk of offending their official superiors to whom they are subordinate. If, therefore, the Honourable Members have not received the facilities, convenience, guidance and assistance they are entitled to for the proper discharge of their duties, I want them to believe me when I say that it is not due to any want of will on the part of the President, but to the limitations and handicaps in his way. I know that the President could be more helpful to the House if the House had the power to amend its own rules of business, but this is out of the question under the present constitution. But even under existing circumstances, he could give more facilities and convenience to Honourable Members and otherwise be of greater help to them if the Secretary of the Assembly was, in fact, such Secretary, and the office of the Assembly was independent and unconnected with the Government of India. Apart from these considerations, the very idea that the Secretary of the Assembly should be occupying a position of subordination not to the House but to an outside authority is in itself, to say the least, analogous.

It did not take me long to realise all this after I assumed charge of the office in August 1925. The Presidents' Conference, which met in the following January, passed at my instance a resolution advocating the creation of a separate office for the Assembly, quite independent and unconnected with Government. I communicated that resolution to the Government of India for favourable consideration and action. No reply was forthcoming to my communication, and I waited for more than a year in the hope that Government would take some definite action in the matter. I then prepared and forwarded to them in September last a detailed scheme embodying concrete proposals for setting up a separate department or office for the Legislative Assembly. The most essential demands contained in the scheme were three :

(1) That the Assembly office should be separated from the Legislative Department of the Government of India, and be treated as an independent department and not merely as an office attached to any department of Government.

(2) That its principal officers and establishment should be under the control of the Assembly through its President.

(3) That the financial proposals of the new department should be included in the annual budget without any scrutiny by the Finance Department, the Assembly to be the final judge as to whether the proposed expenditure was necessary.

It was known to Government that I was very anxious to put the scheme through as soon as possible and had, therefore, expected that Government would treat my communication as urgent and deal with it accordingly. But I heard nothing from them till about the middle of April following. In his letter, dated 16th April, the Secretary of the Legislative Department informed me that the Government of India had reached certain provisional conclusions on my scheme, and that His Excellency the Viceroy would be glad to know my views on them. When I left Delhi in March last, I had personally explained to His Excellency that I did not know how the Government were going to deal with my scheme, but it was necessary that the President of the Assembly and the Government should be in agreement before any Despatch was sent to the Secretary of State, and for that purpose I should have an opportunity of discussing the matter with him at some stage.

The Government of India found themselves unable to accept the essential demands contained in my scheme. They were of opinion that the Assembly office must be an office attached to one of the existing departments of Government, and not be an independent office or department, their Legal Expert having advised them that the requirements of the constitution demanded that it should be linked with the Imperial Secretariat. I am unable to agree with this view of their Expert; but, even so, there is nothing to prevent the Government from including the new department in the portfolio of the Governor General, and by convention to allow it to function independently of the Government as has been done to some extent by the Punjab Government in connection with the Council Department of the Punjab Legislature.

With regard to the second demand, the Government of India were of opinion that, in order that the Secretary and the establishment could act efficiently and fearlessly, neither the President nor the Leader of the

[Mr. President.]

House should have any control over them. I fail to understand how they propose to bring this about. What is to happen to the power of punishment, suspension and dismissal now vested in the Governor General in Council ? If these powers are not to be transferred to the Assembly and its President under the new arrangement, they must and will remain with the Governor General in Council. In that case the separation of the office has no meaning, and it is not worth having. As for the third demand in the scheme, I have been unable to understand or appreciate the reason given by Government for its rejection.

In reply to the Secretary's letter informing me of these provisional conclusions of the Government on my scheme, I wrote back to say that I would go to Simla and discuss the whole question with His Excellency, pointing out at the same time that it was difficult for me to understand how the President was to run the show if he was to have no control whatever over the officers and the establishment of the new department. I accordingly did so, and had two interviews with His Excellency. At the second interview, when the question was gone into somewhat more thoroughly, the Secretary was also present. I regret to say, however, that after conversation and correspondence no agreement was found possible.

Let me now, for the information of the House, outline the main points on which Government should, in my opinion, agree if the Assembly department is to be given a substantial measure of independence of the Government of India. They are :

(1) If the Government of India maintain that they have no power to create a department to function independently, let the new department be included in the portfolio of the Governor General with a view to meet the technical legal objections raised by the Legal Expert of the Government of India.

(2) That the principal officers of the department should be appointed by the Governor General on the recommendation of the President.

(3) That these officers can be dismissed, or otherwise punished, on an address by the Assembly to the Governor General to that effect.

(4) That the members of the establishment should be appointed by the President on the recommendation of the Secretary.

(5) That they can be dismissed or otherwise punished by the President in consultation with the Secretary.

(6) That the financial proposals of the department prepared by the Secretary and countersigned by the President should be included in the annual financial statement as a matter of course, and it should be left to the Assembly to make such modifications in them as they think proper.

I have no doubt whatever that without any amendment of the Government of India Act it is permissible to establish a separate department of the Assembly on the lines indicated above, either by convention or by necessary delegation in that behalf, if the Government choose to do so. I

do not feel sorry, however, that negotiations have fallen through because the Assembly thereby get an opportunity to express its considered opinion on the points in dispute between me and the Government. May I, therefore, hope that the House would before this Session terminates discuss the whole question in all its aspects and record their own conclusions. I do not know if Government would be prepared to treat this business as official, or, at any rate, give a Government date for its discussion. If they are not so prepared, I would request His Excellency, indeed, I have already requested him, to allow non-official time for the purpose.

Before I close, I should refer to two or three matters arising out of the correspondence I had with Government in connection with the scheme :

(1) Government seem to contend that the Clerk of the House of Commons and his establishment are immune from the control of the House as well as the Speaker. This is, in my opinion, a mistaken view. The Clerk and other principal officers of the House are liable to dismissal on an address by the House to the Crown and the numbers of the staff, the right of regulating salaries, pensions, retiring allowances and fixing the age of retirement, &c., are regulated and determined by a Commission with the Speaker as Chairman. The Speaker has also the right to require the dismissal of any member of the establishment. These are some of the methods by which the House and the Speaker exercise control over the department, and the measure of independence that they enjoy is secured to them by the House itself and can be taken away by the House at any time. Conditions in India are different, and the Legislatures are endeavouring to evolve a system of separate and independent offices in their own way.

(2) In spite of the fact that no agreement has been reached between the President and the Government on the principles underlying my scheme, a Despatch has already been sent to the Secretary of State. I should have thought that the Government of India would have referred the points in dispute between them and the President to this House and, in fact, I had pointed out to them that if they sent a Despatch without affording an opportunity to the House to express its views, the House was bound to resent such action very strongly.

(3) I will add one word more before I close. I regret I am not in a position to inform the House how far the provisional conclusions of the Government of India communicated to me by the Secretary in April last have been subsequently modified. I asked for a copy of the Despatch to enable me to know what exactly the final attitude of Government was in this matter, but the Government of India found themselves unable to comply with my request.

I apologise for the length of this statement. The importance of the subject is my only excuse.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Is this not an occasion, Sir, for the President to resign and take his vacant place on the Opposition front benches ?

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The Honourable Mr. J. Crerar (Home Member) : Mr. President, I have listened with close attention to the communication which you have just made to the House, and after consideration I shall, with your permission, take the earliest possible opportunity—I hope to-morrow—to make myself a statement explaining the position of the Government.

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[Mr. K. C. Roy.]

The second point I come to is the Indian Radio Telegraph Company. Members are aware that this Company is a Bombay Company. Much was made, Sir, when this Company was first started. Sir Narasimha Sarma was then a Member of Government. I was told that it was going to be a rupee company with an Indian directorate. I was myself opposed to the scheme. I was for its being State-owned and State-worked. I made representation to Sir Narasimha Sarma. But, Sir, what is the position to-day ? If the London *Times* is correct—I have always believed that the news of the London *Times* is invariably correct—the control of this Company has passed into the hands of the British Marconi Company. I should like to have an answer from Mr. McWatters on this point. We do not also know the extent of the liability which this Conference has imposed upon this country. Possibly, Mr. McWatters will be able to enlighten us on this point.

The third point is the Eastern Telegraph Company. This is a very old story. This was subjected to the utmost scrutiny by the Incheape Committee to whose report my Honourable friend Sir Purshotamdas Thakurdas contributed a notable minute. All I should like to say on this is this, that although this question has been pending for the last 7 to 8 years, no conclusion seems to have been reached by this Conference.

My last point, Sir, is the most important one, and that is, India is the biggest consumer of wireless service. I shall give the figures as given by this Conference. The House will be surprised to note India's position in this matter. From March to May Canada took 6 million words, the Australian service 9 millions, the South African service 9 millions, the Indian service 10½ millions. Those who sneer at us, those who are not willing to meet us half-way in politics, will realise the vast political importance of India and the part which India plays in this Imperial game.

I come now to certain recommendations made by this Merger Committee. Before I do so I wish to make one remark, and it is this. As far as I can understand—I am a novice in finance—the British Government is out to make money. The Australian Government is out to make money. But what is the position of India ? India has been paying subsidies to cable companies. It was nearly Rs. 2,90,000 when Lord Incheape reported. Since then it has been reduced. But we must get something out of this new transaction and not continue to pay subsidies to these cable companies Now, Sir, I come to some of the principal recommendations of this Conference. The first and foremost recommendation is the formation of a Merger Company. All the cable companies and the Marconi Wireless are merged in a single company. Part of this was done when the Conference was in session and practically this forced the hands of the Conference to come to an agreement with the cable companies. I do not know what our delegate Sir Atul Chatterjee said about it, or how he liked it. I do not know the views which he expressed on this merger. But we want to find out whether we in India have any interest in this Merger Company. And then, Sir, it is not the habit of the British Government to have only one company. They are firm believers in company promotion, because there are no less than 80 members representing the British Federation of Industries in the House of Commons. So they promoted a company called the Communication Company. They were interested in this Communication Company. But what is our interest in it ? The third one is the most important one from our point of view, and that is the formation of an Advisory Board. This is an

Advisory Board which is supposed to protect the interests of the consumers because it will be the ultimate authority in fixing the rates. Is India going to be represented on it, and, if so, how many seats are you going to have on it ? There are only two countries which approximate to India in the consumption of wireless beam services, and they are Australia and Canada. India is the biggest consumer and we ought to have our representation on this Advisory Board in proportion to our interests as the biggest consumer. I will only deal with one small point and that is the position to be taken up by the Dominions and His Majesty's Government when there is trouble or a crisis. Provision has been made in the contract that the Army will assume the responsibility of these wireless posts in times of trouble. Well, what is our position ? Will the Government of India receive orders from His Majesty's Government as to how to take possession of these wireless posts and use them for Imperial and military purposes, or is India going to have the same status in respect of these wireless institutions as the Dominions of His Majesty's Empire ? Unless Dominion status is conceded to us in this respect now and here, I think the Government of India should not be a signatory to this new arrangement.

One word more. Sir John Gilmour, the Secretary of State for Scotland, who presided over this transaction, a shrewd Scotchman who managed one of the biggest deals that the British Government has done in recent years, announced in the House of Commons that no decision would be taken on any of the recommendations of this Conference, unless the Dominions and India had been consulted. I therefore ask my Honourable friend to lay the papers on the table of the House in order that he may take the sense of the House and then give the consent of the Government to the new conditions to be imposed upon the British Empire by these Merger Companies. After reading the report carefully, I may say that I am not at all satisfied that the Indian interests have been protected. I should like to ask the House to take the lead of South Africa. South Africa has made reservations, has made definite reservations. Both the delegates of South Africa and the Government of South Africa have made reservations as far as I can understand from this book, and I think the House will do well to make reservations till they are satisfied with the national and financial aspects of the problem.

Sir, I commend my Resolution to the acceptance of the House.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural): When I was travelling up this morning from Kalka I came across an interesting advertisement in a journal under the heading that business has no politics. It proclaimed the superior merits of a particular British brand of confectionery which is alleged to have a world-wide market. But, Sir, if anybody knows how to combine business with politics, certainly the Britishers do, and the present is an instance in point. The real fact, as has been stated by Mr. Roy, is that when the beam service entered into competition with the cable services the profits of the cable services began to dwindle down. This is expressly stated in the report to which he has made reference. I will just quote a few sentences from the report on this point.

"Before the opening of the Beam services, the cables were working with a large margin of annual surplus, and there is evidence that the introduction of cheaper rates has already led to an appreciable increase in the total volume of telegraph traffic. But in spite of this it has been represented to us that the cable undertakings affected by the wireless rate reductions and the Indo-European land-line

[Mr. K. C. Neogy.]

service have been brought to a serious position by the two-fold reduction in their receipts resulting from the operation of the lower rates introduced as a means of countering Beam competition and also from the loss of a considerable volume of traffic to the Beam services ".

When the position came to the knowledge of the British people, they began to contrive some measure to counter the effect. It may be that very influential people are financially interested in the cable services. It may be—I do not know—Ministers of Government, Secretaries of State, *ex*-Viceroys even, may have something to do with the cable companies. It is no wonder, therefore, that that blessed word " Empire " was brought into requisition and an Imperial assembly was called and our good old friend, Sir Atul Chatterjee was there to represent India.....

Mr. B. Das : (Orissa Division : Non-Muhammadan) : To represent the Government of India and not India.

Mr. K. C. Neogy : Now, Sir, I have the highest regard for our present High Commissioner, and I will not say anything that might in any way mean any reflection on him. But, Sir, we know his limitations, and before we can hold him responsible for anything done in this matter, we ought to have the terms of the instructions which the Government had sent him in connection with this Conference. It may be that he was absolutely helpless in the matter. If the Government do not really desire to conform to the views of the people as formulated in this House, well, it hardly matters whether India is represented by a Chatterjee or by a Lord Cushendum.—I would really be obliged to any Honourable Member who would give me the correct spelling of the name of that noble Lord who represented, very appropriately represented, India at a recent International Conference, (*An Honourable Member* : " Lord Cushendun.")—because that noble Lord put his signature to the Kellogg pact plighting his word that I and my descendants will never engage in any future war. Now, Sir, as I said, it matters very little whether a Cushendun or a Chatterjee represents India at these farcical Imperial or International Conferences where India's name is unnecessarily dragged in. I want the Government to be a little more honest. What do they mean by trotting out the name of India on these occasions unless they send somebody who can be acknowledged in this House to truly voice the feelings and sentiments of Indians? I should like to know exactly what the instructions of the Government of India were, and what the reasons were that led the so-called representative of India to affix his signature to a most fantastic report which frankly seeks to establish "predominant British control"—I am quoting the words from the report itself—predominant British control on what is called the merger scheme. I do hope that the Government will be a little more decent in their dealings on such occasions in future. In these words, I strongly support the Resolution moved by my Honourable friend, Mr. Roy.

Mr. N. M. Joshi : (Nominated Labour Interests): I wish only to add a few words to what has been said by my Honourable friends Mr. Roy and Mr. Neogy. It is necessary that the Government of India should tell us what attitude they have taken in this matter. We also want to know whether the Government of India have done their best to protect Indian interests. Unfortunately, the Government of India in the past have several times failed to protect Indian interests. They failed to do so

the British Government made a contract with the Imperial Airways Company. That contract was made without the knowledge of the Government of India and without the Government of India having an opportunity to safeguard Indian interests. I do not know what is the real object of this merger. My Honourable friend Mr. Neogy said that the present scheme was intended to safeguard the British domination. Well, Sir, I know one thing and that is that they do want to safeguard the British domination at least in competition with another nation, namely, the United States of America. There is at present keen competition between the United States and the British Government for getting control over the communications of the world, and by this merger the British Government want to keep the control in their hands. I do not care whether the British people control the communications of the world or the people of the United States do. What I care about is that the interests of India should be safeguarded. In India we do not believe in transferring our communications to private agencies. We must therefore see that all the machinery that we have for maintaining communications shall not be in private hands and shall not be transferred to any merger or private companies. We are anxious that the communications with India and in India shall always remain under public control and shall not be in private control. There is no doubt, as my friend Mr. Neogy has said, that the object of this merger is to profit certain capitalists in Great Britain. This was shown very clearly by the fact that the shares of these companies went up tremendously as soon as it was announced in Great Britain that the Government had approved of this merger. It was quite clear that these companies were not making as much profit as they wanted to, and, as soon as it was found out that the scheme for merger would be sanctioned, the prices of the shares went up. These are some of the points on which we want information from Government. We are anxious, in the first place, that communications with India should not pass into the hands of private companies. We are also anxious that we should not sacrifice Indian interests in order that Great Britain should succeed in its competition with the United States in controlling the communications of the world and that her capitalists should make huge profits.

Maulvi Abdul Matin Chaudhury (Assam : Muhammadan) : Sir, I want to offer a few remarks on this question of merger from the point of view of the Indian consumer. As Mr. Roy has pointed out, India is one of the largest consumers of the beam service. We have some sort of a feeling that in this Imperial Wireless and Cable Conference the interests of the Indian consumers have been sacrificed in order to give a new lease of life to the Cable Company and swell the dividend of the Communication Company that will arise out of the merger scheme. I shall explain how. At present the cable rate to India is 1*s*. 5*d*. per word ; by the beam service it is 1*s*. 1*d*. Before the introduction of this beam service the cable rate was 1*s*. 8*d*. When we remember that about 9½ million words are transmitted every year from England to India, we can form an idea of the advantage of the beam service to the Indian consumer. Mr. Pilcher calculated that for 8 months from September 1927, the figure amounted to one hundred thousand pounds. If the Cable Company was going down in competition with the beam service, and if for strategic and other reasons it was necessary to have them, efforts should have been directed towards a solution that would not deprive the consumer of the cheap rate that the beam service

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afforded. In this connection I should like to read to you an extract from the *Economist* of the 4th August. It observes :

"Indeed should there not be some means of assuring the public that, while there is a legitimate case for protecting the cables, that protection should not go so far as to stand in the way of further achievements of science being brought to the benefit of the public. The recommendation of the Cable Conference does not commend itself to us as being in the interest of the consumer".

It seems to us that greater attention has been paid to the stabilising of the dividend of the Communication Company than to the interests of the public. The Communication Company has been assured of a net annual revenue of about the one million eight hundred and sixty-five thousand pounds and of any profit they make outside that, 50 per cent. goes to the company and 50 per cent. goes to the reduction of rates or such other purpose as the Advisory Board may consider necessary. It seems to me therefore any further prospect of reduction of rates is a very remote possibility. We do not know what instructions were given to Sir Atul Chatterjee and what share he had in formulating the recommendations. One thing is very clear. So far as the safeguarding of the interests of the consumers is concerned, his efforts do not seem to have met with any conspicuous success. The best way of safeguarding the interests of the consumers would have been to insist upon State ownership and State management of the Wireless. As was pointed out in the House of Commons in 1911, the Imperial Conference passed a Resolution in favour of State ownership and State management of the wireless services. In 1913, a committee under the presidency of Lord Parker, made a similar recommendation. In 1920, the Imperial Telegraph Committee under the Chairmanship of Sir Henry Norman, also recommended in favour of State ownership of the wireless service. In 1921, the Imperial Communication Committee made a similar recommendation. It is obvious that State management and State ownership are the best means of ensuring cheap rates, for it obviates the necessity of providing an inflated dividend to the Merger Company. The only other point I want to mention is that in the Advisory Committee that will be set up, there should be a representative of India, and that representative should be a non-official and not an official of the type that we had in the Imperial Cable Conferences, having regard to the fact that India is one of the biggest consumers of the beam service.

Sir James Simpson : (Associated Chambers of Commerce : Nominated Non-Official) : Mr. President, I rise to support this Resolution. (Swarajist applause.) Let my Honourable friends opposite make no mistake. I have no desire to embarrass the Government and I support this Resolution entirely from a business point of view, and I am not going to mix up business with politics like my Honourable friend Mr. Neogy.

Sir, the trading interests in India are intensely interested in this ger scheme, and naturally we would like to have details. In fact I to add der we are entitled to have the full details. We believe that any such Roy and scheme, will make for greater efficiency and economy, and that until tell us wi is more perfect in all weather conditions, we realize the Cable Comknow whet t be depended upon. My Honourable friend behind here was Indian inter this Resolution on the ground that there ought to be a State have several t wireless and cables. I would object to it on that ground. I to be that. We have no objections to the merger in the

respect that Cable Companies should be helped by the wireless companies. But, Sir, we hold that new inventions should cheapen cable costs, and we trust that principle has not been lost sight of in this merger scheme. All we ask is for details, and I have much pleasure in supporting the Resolution.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, the Honourable Mover of this Resolution need have made no apology for bringing this matter before the House. Indeed I welcome his Resolution because it gives the House an opportunity of taking cognisance of a matter which is unquestionably of the first economic and political importance, and I agree with everything which the Honourable Mr Roy said about its importance in relation to India. The exact terms of his Resolution leave me in a slight difficulty. We published, as the House knows, the full summary of the report of the Conference as soon as it was given out in England, and we have placed on the table of the House some weeks ago the full report of the Conference. Apart from that, we have received week by week from the Secretary of State the detailed proceedings of the Conference which were naturally sent to us to keep us *au fait* with the position from week to week. Those proceedings, as the House will of course realize, contain a great deal of confidential matter—figures and information given by the various companies which were given under strict seal of confidence—and it would therefore be impossible so far as those records are concerned to publish in India what has not been published in other parts of the Empire. In fact we have already published everything which has been published either in the United Kingdom or in any other parts of the Empire. However, I think I shall not be misinterpreting the Honourable Mover's object in moving this Resolution if I take it that he is asking Government to give him and the House such information as they can on this very technical and intricate subject without disclosing matter which must remain confidential. In particular there are two aspects of the question which have been emphasised in the speeches made to-day on which I think the Honourable Mover and the House would like to have assurances. The first is that the public, and the commercial public in particular, should have some assurance that they are not going to be charged excessive telegraphic rates because of this merger, and further that they will be able to get the due advantage which they are entitled to expect from future developments and improvements in wireless. And secondly, the House is perfectly entitled to ask what is the position of the Government of India in the matter and whether our financial interests have been properly secured. It is particularly to those two aspects of the question that I will direct myself in the observations which I wish to make.

The House has been told quite correctly, I think, by Mr. Roy the cause of this Conference, that is to say, it is the competition which has arisen within the last two years between beam wireless and cables, but I can assure him without any breach of confidence that it was not the applicable companies or of commercial magnates which caused this Conference to be called. This competition has reduced Cable and Wireless rates very considerably in the course of the last year or two, but that is not the end of the matter. The difficulty arises in the first place from this, that one of the private companies which own a very important part of the communications are to-day in a position, if they wish to do so, to liquidate and to pay off their shareholders at present market rates, and they would then have their cable assets to dispose of elsewhere. I think it is likely that

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these companies, if no action at all had been taken, would have been very reluctant to face the prospect of several years of competition in which they would inevitably in the long run have failed, and therefore they would be tempted at once to liquidate their position. In that case, what would happen? I need not enlarge upon the strategic aspect of cables, although that is important, but I will approach it from the commercial point of view. The position at the moment is that the wireless beam system is not capable of giving a complete commercial service. It is subject to fading, it is subject to interruptions. It does not communicate with all the parts of the world which are connected by cable communications. For these three reasons alone, it is obvious that at present, and as far as we can see in the future, a complete commercial service in the interests of the public could not be provided by wireless alone; and therefore I would ask those who would view with complacency the disappearance of the cables in the hope that they would get a cheaper wireless service to consider that if one element of the competition is removed, you are left with a monopolist who will probably not give you so cheap a service as you think. Now, this is the problem that was before the Conference and I think it is unanswerable that some immediate action had to be taken. The general sketch of what the Conference proposed is this. I can explain it in a very few words. First of all, the merger of the interests of the two big private companies which control the greater part of the cable system and have the largest interests in the beam wireless, namely, the Eastern Cable Company and the Marconi Company. That was a necessary preliminary to setting up a separate company, called the Communications Company. The Communications Company will buy, if the scheme goes through, from the Marconi Company and from the Eastern Cable Company their communication assets in return for payment in shares. They will buy from the various Governments concerned, the British Government, the Canadian, Australian and New Zealand Governments, their actual cable assets in return for cash, and they will lease from the British Government the beam wireless which is at present worked by the British Post Office.

That is the broad outline of the scheme, and I hope I will now attempt to deal with the first question which I put in the foregoing part of my remarks. Have we security against being charged excessive rates? Now, the first point to which I wish to draw attention is the formation of this Communications Company. The object of that was that you would separate off the interests which are concerned with communications only, the cables and the wireless from the other numerous interests in which the Marconi Company and also the Eastern Cable Company are engaged; that is to say, we do not want the rates which are to be charged to the users of telegraphic communication to be in any way influenced by the profits of the Marconi Company from the sale of their wireless machinery or otherwise by their profits from patent rights and so on or, shall we say, by the results of their management of the Peruvian Post Office? That is one of their minor lines. The first part of the problem was to ascertain the value of the capital assets of the Communications Company, because the House will realise that the question of rates must depend on the proper capitalisation of the company. And for this purpose the Conference called in the assistance of two financial experts, Sir Otto Niemeyer and Sir William Mackintosh, the latter being one of the best known chartered accountants in England, in order that all material should

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placed before them by the companies confidentially—every detail of their business. They had to ascertain what in their opinion was a fair capital value of the assets, and they fixed the figure of 30 millions. The total capital of the Merger Company, I may mention, is 53 millions, so that the capital of the Communications Company is a good deal less. In the second place, these two experts fixed what they called the standard net revenue at one million, eight hundred and seventy-five thousand pounds. The object of that was this. The standard net revenue was intended to represent what at the present time is the actual net earning capacity of the Communications Company. That is the net earning capacity of the Communications assets at the present time, irrespective of any economies which may be made in future by combination of control or by any fresh developments in wireless. There is, therefore, a reasonable prospect that something more should be earned beyond the standard net revenue. That standard amounts roughly to 6 per cent. on the capital of the Company.

Then the next point is that any earnings beyond the standard net revenue are to be divided 50 per cent. to the company and 50 per cent. to be disposed of under the control of an Imperial Advisory Committee. I think it is reasonable that some portion of the excess earnings should be left to the company, otherwise the company will not have the same incentive to enforce economies in working their concern. But the remaining 50 per cent. will be left entirely at the disposal of this Imperial Advisory Committee, and I can assure the House that India, if she becomes a party to this scheme, will be represented on the Imperial Advisory Committee; in fact it is distinctly stated in the report that that Committee will represent all Governments who were parties to the Conference. This Imperial Advisory Committee has these functions. First of all, it has power to veto absolutely any increase over existing rates. That is a very important point. No increase in present rates can be made without the permission of this Committee. In the second place, they have the absolute disposal of the 50 per cent. of anything earned in excess of the standard revenue. They can devote this to the reduction of rates or for any other purpose, such as research, in order to earn a greater revenue in future. In the third place, this Advisory Committee has to be consulted on all matters of policy. In the fourth place, they are to be given power to obtain any information they require from the company, and to order an investigation into the company's accounts, if they so desire. Beyond this, other checks have been provided for. It has been provided that two Directors, both of the Communications Company and the Merger Company shall be approved by Government, and one is to be the Chairman of the Communications Company. Then there are other minor matters which will be provided for in any detailed agreement that will have to be framed, such as guarantees that excessive prices will not be charged by the Marconi Company to the Communications Company for the use of patents. Guarantees will be provided that neither the Marconi Company nor the Cable Company shall dispose of their interests in the Merger Company so as to alter the status of the Merger Company, and that British control be retained.

Now I think that the House will agree that if we accept the principle of a merger at all, every check which human ingenuity can devise has been framed in order to obtain adequate security for the public that excessive rates will not be charged. But turning to the principle of the merger

[Mr. A. C. McWatters.]

itself, what the Conference has aimed at has been unity of control and private management. Now through unity of control we get the possibility of introducing all the latest developments of big scale business. We get the opportunity of scientific co-ordination, and we also eliminate wasteful competition, while as far as the question of private management is concerned, on which opinions may of course differ, it may be held—and I certainly myself agree—that in a matter of this kind, which demands peculiar initiative and flexibility in dealing with developments of wireless, private management is probably better than State management ; but whether the House agree on that or not, they would certainly agree with me that private management is better than an attempt at State management by the departments of a group of six Governments. That of course is a perfect impossibility. I think myself, and I hope the House will agree with me, that a public utility company under private management and subject to proper public control is the best method of dealing with the situation which has arisen.

Now turning to the point on which much was made by the Honourable Mover, namely, the question of India's representation on this Conference, I have heard some very hard and unexpected things said about Sir Atul Chatterjee. I have the highest opinion of his personal qualifications, and in this connection I would remind the House that he was both the Secretary and the Member in charge of the Department in India which dealt with Posts and Telegraphs, and therefore from the technical side alone he was singularly well qualified to deal with the subjects which came up for discussion (Hear, hear). In the second place, we had by chance the good fortune to find in England at that time our Director of Wireless, Mr. Edmunds, who was on his way back from the International Radio Conference at Washington. For the first two months of the Conference we had the great advantage of having him also present. Our third representative all through that Conference was Mr. Simpson, who is Director-in-Chief of the Indo-European Telegraph Department at the India Office. I think from the technical point of view and from every point of view our delegation compares very favourably with that of any other Government concerned. During the early part of the summer we received a communication from the Associated Chambers of Commerce asking us for an assurance that the interests of the public, and particularly of the commercial public, would be prominently kept in view at this Conference and we gave them that assurance. We were able to do so because, as I have said, we received from week to week the proceedings of the Conference from which we knew that those interests were being prominently kept in view. For instance, the Conference not only received a memorandum but gave a personal hearing to the representations of the Empire Press Union on which India was specially represented. They also received memoranda from other commercial bodies in England, but more than that, as soon as we received this representation from the Associated Chambers, we sent a message to Sir Atul Chatterjee instructing him at once to bring the matter prominently to the notice of the Conference, and we ascertained that he had done so. I think therefore that so far as representing the interests of the public is concerned, we did everything that can reasonably be required of us.

I now turn to the second point about the security for the interests of the Government of India itself in the matter. The Government of India

are concerned in two ways. First of all the Indian Radio Telegraph Company which operates the beam wireless from Poona is an Indian company and holds a licence for ten years from the Government of India. Now it was provided in the flotation of the company that sixty per cent. of the capital should be reserved for Indian subscribers. The majority of the directors are Indians, and the company is a rupee company and in our agreement with the company we have laid down that in any fresh flotation, it shall also be provided that sixty per cent. of the new capital should be reserved for Indians. What the present position of the company is I am obviously not in a position to say, because shares do change from day to day ; but the fact remains that the company, which was only floated rather more than a year ago, was at that time reserving 60 per cent. of its capital for Indian subscribers. But the position now is this. If we adhere to the recommendations of this Conference, I take it that the Communications Company will acquire the holding in the Indian Radio Telegraph Company which the Marconi Company now holds. They will therefore be one of the parties forming the new Indian Radio Telegraph Company, and that company will have to apply to us for a fresh licence to operate and I take it they will apply for a licence for 25 years, because that is the period of time for which the British Government have offered to lease the Beam Wireless to the Communications Company. Therefore the position is this, that if we are approached to grant a new licence for 25 years, we can impose such conditions as we choose. Our present licence for instance lays down requirements as to the employment of Indians in the company and as to the training of apprentices and so on, and all those conditions can equally well be imposed on any new company which takes the place of the present company. So, as far as the Beam Wireless is concerned, I do not see that we can lose anything by adhering to these proposals. But there is a second way in which the Government of India are interested, and even more directly. The Government of India, as the House well knows, are the owners and operators of the Indo-European Telegraph Department. This is a department of Government which owns the cables to the Gulf. It owns land lines through Baluchistan and Persia and it joins on at Teheran with the land system of the Indo-European Company, a private company which operates lines through Russia and Germany to England, thus forming an alternative through connection between Karachi and England, alternative to the Eastern Company's route through the Red Sea. Now the Indo-European Telegraph Department obtains its revenues in two ways. First of all, it obtains direct revenues from the Gulf traffic and from the local traffic with Persia. This is in no way affected by the merger or indeed by wireless competition at all. The second way in which it gets receipts is by the indirect earnings on the through traffic between England and India and connecting with the Far East. The procedure there is that all receipts are paid in by each of the three companies concerned into a joint purse and paid out again in certain proportions which were fixed some years ago on the basis of the then division of the traffic. I may say that the present proportions are quite favourable to ourselves. Now the only way in which we are directly affected by these proposals is that we shall have as one partner in the joint purse the Communications Company instead of the Eastern Cable Company ; but anyone who has read the report will have observed that it is specially stated in paragraph 42 of the report that the joint purse system will not be affected by the present proposals.

[Mr. A. C. McWatters.]

In fact it could not be affected because under the joint purse agreement it is specially laid down that no alteration in the terms of the agreement can be made without the consent of all three parties. That, roughly speaking, is the position of the Government of India in the matter. There are those who believe strongly in State management and who will probably welcome the fact that no portion of our Indo-European Telegraph Department has been taken over. It remains completely outside. At the same time we out here are anxious to clear up one or two points in connection with the Government of India's position on which we do not feel absolutely certain. For instance, the exact terms on which the joint purse arrangements will be settled with the new Communications Company. At the moment, as the House is quite well aware, we are entirely uncommitted in this matter, although we expressed ourselves as generally favourable towards the solution suggested by the Conference and we remain also at this moment so favourably disposed. We have not committed ourselves until we have examined the whole question completely ourselves ; and I may say that any suggestions which have been made or may be made to-day will no doubt help us in any representations which we may have to make.

I think, Sir, that that is practically all that I have to say, except this : that whether we agree to what is proposed by the Conference or not, there is no doubt whatever that the Merger and the Communications Company will come into existence, because it does not rest with us to prevent its coming into existence. If the British Government and the Dominions desire to take part in it, they will so far as they are concerned come in, and they could form it without us. But one thing we should lose undoutedly and it is this : we should lose our representation on the Imperial Advisory Committee, and I think it will be very unfortunate if we did.

That, Sir, is all I have to say to the House. I hope I have not wearied the House in what is an extraordinarily difficult and technical matter. I should have been very glad indeed to have accepted my Honourable friend's Resolution if I could have done so, but, as I have explained, we really have no correspondence in our possession other than correspondence which has been definitely treated as confidential elsewhere. We have given the House all the information we could, and I myself have tried to give such explanations as, on a difficult matter of this sort, I could give. Sir, I hope that the Honourable Member will not care to press his motion.

The Assembly then adjourned for Lunch till Twenty Five Minutes Past Two of the Clock.

The Assembly re-assembled after Lunch at Twenty Five Minutes Past Two of the Clock, Mr. President in the Chair.

Mr. B. Das : Sir, I heaved a sigh of relief when my Honourable friend Mr. McWatters, whom I am very glad to see as a Member of this House, and whom I have known for so many years but have not had the pleasure to meet on the floor of this House, said that India is not committed to any pact over this merger system. Sir, that is some relief to me. I am always suspicious of Imperialist policies, Imperialist airways,

Imperialist wireless systems or of anything which is prefixed by the word " Imperialist ". Sir, two years ago, when this House, much against the will of this side of the House, assented to the system of Imperial preference, some of us deplored that event, and in this matter under discussion I see another version of Imperial preference and nothing else. It may not be Imperial preference for British commodities, but it is nothing but an Imperial monopoly over wireless. That means a certain British combination gains a monopoly all over the Empire in certain transactions and in which India will have no voice. I am surprised to read—and I would draw the attention of the House to a particular passage in this note—that the cable system is so lightly dealt with. Yet the report of the Wireless Conference drew attention to it :

" It is obvious also that the cable services have *a value for strategic purposes.* To sum up, therefore, it may be said that wireless offers a cheap service, but not all-sufficing ".

My Honourable friend Mr. McWatters also alluded to it, and he did mention that the wireless system might at times fail and the cable system ought to be perpetuated. He also alluded to the Indo-European Cable Company. This House knows well that India has sunk so many millions in the Indo-European Telegraph Company, money over which, when my friend Mr. Rogers speaks later in the course of the debate, he will say that we have no control ; we have no control over the management of the Indo-European Telegraph Company. This company does not pay to the tax-payer of India any dividend. So far it has been running at a loss, and at a loss against the postal revenues, and to-day if India becomes a party to this Merger company, India loses her revenue over the Indo-European Cable Company.

But this one word " strategic " makes me most suspicious. What is the policy behind this Imperial Merger Wireless Company ? Is it not intended for strategic purposes ? Will it not be utilised in case of emergency for Imperial war purposes ? And is it not going to provide another method of communication for war purposes at a future date ? In future, whenever Government bring forward their final proposition in this matter, they ought to make it clear that the Wireless Merger Company is nothing but a pure commercial concern. Even if Government from that side were to give me an assurance that it is nothing but a commercial concern, I would not believe it. I know that most of this organization will be utilised for war purposes, and this will be a second line of safety in transmission of messages.

My friend Mr. Neogy alluded to the small part that our former friend Sir Atul Chatterjee played in this matter. If I understood him aright, I take it that the High Commissioner was a signatory to this Conference report. Yet my friend Mr. Neogy did allude to the fact that the High Commissioner was not made a signatory to the Kellog Pact which decided momentous international problems and international affairs in which India as an original Member of the League of Nations, has no doubt a big stake. It is very surprising how the Government of India, which would give Sir Atul Chatterjee permission to put his signature to a small Imperial Conference report such as the report of this merger conference, could not see their way to send him as the representative of India to sign the Kellog Pact. That further shows what confidence the Government of India have in the High Commissioner and what confidence the Government of

[Mr. B. Das.]

India place in the representatives of the people of India so as not to take them into confidence in matters of high policy, whether it is International or Imperial. Sir, I find the word " monopoly " mentioned in this report very often, and I say this merger is nothing but a monopoly. Of this Marconi combination the world heard so much before the war and there was a great deal of scandal about it, as my friend Mr. Neogy rightly pointed out, in which Ministers, Prime Ministers and Secretaries of State and others were concerned. To-day we find this very Marconi combination again coming out in another disguise as the sole controller of this merger. Well, I say, let Marconi exploit England : I have nothing to say against that. But I will be no party to a Marconi combination to exploit India. Honourable Members may have recently read in the Press that there is another big Imperialist monopolist, who is not a British Imperialist it is true—Hugo Stinnes of Berlin has been recently arrested for trying to organise a monopolist organisation in Germany, and trying to misuse public money. So we must look with a grain of suspicion on every combination whether it is organised by the friends of Cabinet Ministers for *Imperialist or strategic purposes.*

Sir, I did listen to my Honourable friend, Mr. McWatters, and I did feel that he was trying to ascertain what were our views so that if he finds that there is a great amount of suspiciousness in our minds, he would try to represent that view point at least, when he will send another representative to take part in the next stage of discussion for this Merger combine. But personally I am of the opinion—and I believe Honourable Members on this side of the House will be of the same opinion—that India should not be any party to any kind of Imperial monopolist system where there will be no power or position given to India. We hear there will be too many Imperial stunts in it. Not only will there be an Imperial Advisory Committee, but there will be Imperial Directors, and we understand the British Government—I did interject a query when my friend Mr. McWatters was speaking, and he did say the British Government would have two Directors. Why should not each Dominion and India have a Director ? Supposing we agree to this merger system, why cannot India have a Director on that Board of Imperial Directors, and why cannot India also have representatives on that Imperial Advisory Committee ? I make this suggestion provided this House at a future date gives its assent to our joining this Imperial wireless merger system. I hope when the Government Member next speaks he will give us some idea what will be the effect on the Indo-European Cable Company system. I know it too, and the Honourable Mr. McWatters has already alluded to this, when he said that the Indo-European Telegraph Company had some existing arrangement with the Eastern Cable Company and got a share of that company's revenues by the share of a joint purse whether it carried all the messages or not. But the question is whether its total income which is so insufficient that it lands my country in such a loss, will not be reduced by this new Imperial merger system. The House would be glad to know what was the expressed opinion of the representative of the Indo-European Cable Company at that conference. In another Committee where I had the pleasure of being a member—the Public Accounts Committee—we were told that negotiations are going on and that very shortly the Indo-European Telegraph Company may be acquired by the Government of India I think that has been the expressed opinion of this side of the House, viz

that it is best that we acquire full control over the Indo-European Cable Company and not allow.....

The Honourable Mr. A. C. McWatters : May I interrupt for a moment ? I cannot understand the Honourable Member. We already own the Indo-European Telegraph Department. It is a department of Government. We own it already.

Mr. B. Das : It is a department of Government, but it is not managed by the Government of India. It is managed by a Board of Directors over whose actions the Government of India have no control.

The Honourable Mr. A. C. McWatters : May I again interrupt for a moment ? The headquarters of the Department is at the present time in London. The only point at issue is whether the head of the office should be in India or in London. There is no question of ownership or management. It is managed by Government.

Mr. B. Das : With all due respect to my Honourable friend, Mr. McWatters, I think he will have to revise his views. As far as I remember the recommendations of the Inchcape Committee and other Committees, the money invested in the Indo-European Cable Company may be that of the Government of India, but there is not sufficient control over its management and organisation, and this side of the House has very often insisted that the headquarters of this Company should be transferred to India, and that the Company should be controlled directly by the Government of India. I do not mind my Honourable friend Mr. Rogers controlling it from here. We will have every confidence in his control. I would therefore like, when the Government reply again, that they should give us some information as to whether there will be a great fall of revenue if India eventually becomes a party to this merger system. Personally, I am very suspicious that we will always be losers from the strategic point, from the Imperialist point and from the financial point, if we become a party to this scheme.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Sir, there are one or two points in connection with this merger of the cable and wireless services on which I would welcome some explanation from the Honourable the Industries Member before we proceed further with the subject. One has reference to the capital of this Merger Company and the dividend to be declared under its auspices. If I remember aright, the Honourable the Industries Member said that the figure of dividend was arrived at after considering the earnings of the company to-day. Now, while going through the Parliamentary debates for last May, when this subject was debated in the English Parliament, I find that one of the Members speaking on the motion under consideration there said that this project seems to aim at their " stabilisation of a dividend return on the capital of the group at the position in 1926-27 before this competition had actually begun." This statement made on the floor of the House of Commons remains uncontradicted so far, and I do not understand how it was possible for the Honourable the Industries Member to say that the figure of earnings taken is the figure of earnings of to-day. This, Sir, is of importance, particularly when we remember that two years ago there was no keen competition as is the case now. The figures of two years ago must have been based upon various items of which one that concerns India the most was the rate of 1*s.* 8*d.* per word for cables, and that rate to-day is reduced to

[Mr. Sarabhai Nemchand Haji.]

1s. 1d. If the figure for guaranteeing the dividend is to be taken on the basis of the earnings of to-day, it is certain that the proposed figure of £2,000,000 dividend to be guaranteed would be much reduced if the earnings of to-day were taken.

The Honourable Mr. A. C. McWatters : £1,875,000.

Mr. Sarabhai Nemchand Haji : Whatever the figure—I may say that my figure was taken from the report....

The Honourable Mr. A. C. McWatters : My figure is taken from the report of the Conference.

Mr. Sarabhai Nemchand Haji : I accept the figure of the Honourable the Industries Member though I think my point remains. If the earnings of two years ago were taken, if the earnings before this competition began were taken, then the Empire and this country would pay more : but if you take the figures of to-day you would certainly pay less. That is one point. Another point to which I should like to have a reply is with regard to the proposed capital of this Merger Company. It is going to have a capital of £54,000,000. Now, this large capital was no doubt necessary when you had to put up costly cables and costly installations. But there is no justification for a very big capital when you are going to conduct the beam service with its short wave length which, if I remember aright, requires only £250,000 to work all the four Empire stations, and when each beam station can be put up at a cost of about £60,000 each. If that is the case there is no justification for this very big figure of £54,000,000 for capital, unless it is intended that all those sins of commission and omission which the Marconi Company and the cable companies before that had committed are to be covered up under this new scheme.

The Honourable Mr. A. C. McWatters : The figure of £53,000,000 and odd is the capital of the Merger Company and not of the Communications Company.

Mr. Sarabhai Nemchand Haji : The point that I was trying to make remains unaffected by the interruption of the Honourable the Industries Member. My point was that this was an attempt to cover up the many faults of the earlier companies by taking advantage of this new scientific invention and also of the enthusiasm of the people for the new scientific service,—to cover up the sins, as I said before, of commission and omission of the wireless companies, because we find that one of the speakers in the House of Commons distinctly referred, without being contradicted, to " the tragic history of British wireless policy, or perhaps it should be, lack of policy ". Is it right that the sins of private companies should now be glossed over by the Government helping a scheme which is intended for that purpose and at the cost of the taxpayers, it may be, of India and of other parts of the Empire ? These are just one or two points on which I should like to have a definite pronouncement from the Honourable the Industries Member.

But, in addition to these points of detail, there is one point of principle on which I should like to have his opinion. While referring to the question of the Indian Radio Company he said that 60 per cent. of the capital was to be guaranteed for Indian subscriptions. Is that right ?

The Honourable Mr. A. C. McWatters: At the time of flotation 60 per cent. was allotted for flotation in India.

Mr. Sarabhai Nemchand Haji : And it was subscribed ?

The Honourable Mr. A. C. McWatters : That I cannot tell you. That is the condition of flotation—that it was allotted. I do not know the actual details as to how many people took it up.

Mr. Sarabhai Nemchand Haji : May I know if the Government of India approve of the principle of reserving a certain amount of capital for Indian shareholders in cases where public utility companies and other companies which are likely to benefit by the policy of Government are concerned ? Is it the policy of Government that they approve of and adopt the principle of fixing a proportion of Indian capital to non-Indian capital in regard to public companies ? There is one other point and that has reference to the position of the High Commissioner in connection with contracts of a character similar to the one we are discussing. We find that our High Commissioner is utilised by the Government in England for purposes which suit them and that he is left alone when something that can bring glory and distinction to India in regard to International and Imperial affairs comes up for signature. (*An Honourable Member* : " What is the evidence "?) The evidence has already been referred to by my Honourable friends Mr. Neogy and Mr. Das. It is to my mind a matter of humiliation for India that while it was found possible for representatives of Canada, Australia and South Africa to go to Paris for the Kellog Pact, Sir Atul Chatterjee was prevented from crossing the Channel to put, as an Indian, on behalf of his country his signature to this memorable pact. There is no justification for utilising the post of High Commissioner in England for purposes that suit the British Government and leaving him out in the cold wher matters of international import are being considered. Sufficient has been said here to convey to Government the feeling of the House on this matter, and I hope the Government will benefit thereby.

Sir, I support the Resolution moved by my friend Mr. Roy.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I would like to offer a few remarks on this question. The Resolution has, I think, been moved more with a view to finding out what were the instrucitons of the Government of India to their representative in London at this Conference. If that be the motive of the Honourable Member who gave notice of this Resolution, I do not think I shall be very wrong if I infer from the Honourable Mr. McWatters' statement that the Government of India gave the High Commissioner for India in London a sort of watching brief on this Committee.

The Honourable Mr. A. C. McWatters : Something more than that. He had a general watching brief, but we also sent definite instructions, first, to watch over our financial interests as regards the Indo-European Telegraph Department, and, secondly, to watch over the interests of the public as regards rates.

Sir Purshotamdas Thakurdas : Both these points I intended to refer to as I proceeded. The first one is a general one, namely, to see that owing to the merger or any scheme which may be devised the public in India have not to pay more for their telegrams hereafter. The second one is a more particular one, and affects the finances of the Government of India. Now, I feel that if there was curiosity to know further details regarding the instructions of the Government of India to the High Commissioner,

[Sir Purshotamdas Thakurdas.]

according to Mr. McWatters, there is practically nothing else to know, and that brings me to the question of the personnel selected by the Government of India to represent them in this matter.

I do not know if my friend Mr. K. C. Roy exactly meant all that his words indicated when he referred to Sir Atul Chatterjee in his speech. But I venture to say that, if the Industries Department had taken care to consult the Standing Advisory Committee in this connection, the Committee themselves would have suggested the name of Sir Atul Chatterjee. I am not one of those who spare criticism of Government or of their officers whenever I think it is deserved, but I do feel that it is wrong to criticise officers of Government who are not in the House to reply, and especially to criticise a person of the standing of the High Commissioner for India in England, especially after knowing Sir Atul's special qualifications which have been enumerated before this House by Mr. McWatters. I only hope that both Mr. Roy and my friend Mr. Neogy did not mean what their remarks indicated, and I trust Mr. Roy will think fit to explain his remarks to us and, if possible, withdraw them in fairness to Sir Atul Chatterjee. I cannot help feeling that India could not have a wortheir person as its High Commissioner than Sir Atul Chatterjee, and for this Conference there could not have been a more appropriate person selected than Sir Atul Chatterjee, irrespective of his position as High Commissioner for India. But I feel in this matter that those Members who referred to Sir Atul Chatterjee may have been carried away by the sin of omission, if I may use the phrase, on the part of the Government of India in not appointing an Indian to represent the Government of India for signature of the Kellog Pact at Paris. There I am sure this House will be at one with the critics of the Government of India. But that does not mean that Sir Atul Chatterjee's nomination to this Committee is to be criticised. I for one feel that this House, if it could come to an open vote, would unanimously approve of Sir Atul Chatterjee's nomination on this Committee.

The only question, Sir, is whether the Government of India have succeeded in adequately protecting the interests of those who use the cables hereafter. There is no doubt that if it was not necessary to come to some arrangement with the cable companies, the radio companies would be able to lower the rates and thus make available a much cheaper telegraphic service to the public. But until the radio service is more perfect the cable companies have to be maintained, and for strategic purposes also the cable companies at the moment are necessary. It therefore was a difficult problem facing this Committee in London, and although the details regarding the fate of the Indo-European Telegraph Department or the Indian Radio Company here are not available, I cannot help saying generally on the scheme that the Committee have arrived at the most feasible solution of the difficulty which they could possibly devise. I am one of those who would like India to take her proper part in all such questions, but we have to realize that we have not an Indian cable company at all, barring of course the Indo-European Telegraph Department, and even the Radio Company has come into existence only during the last two or three years and is, comparatively speaking, a rising concern. Until therefore details regarding the fate of the Indo-European Telegraph Department and the Indian Radio Company are available, it is impossible to criticise this scheme in detail. But I would

like to draw the Honourable Member's attention to paragraph 42, to which he himself referred, in the latter part of which it is said :

> " The Government of India will not be affected by the acceptance of the recommendations detailed below although the precise terms of these arrangements may possibly require revision ".

It is in the revision of the precise terms that I am afraid some injurious effect may happen to the finances of the Government of India. I am sure that the Department concerned will watch this very carefully and, if I may suggest to them, it may be useful after this discussion to consult the Standing Committee attached to the Department before this Department give their concurrence to any suggestions which may come forward from London. I have only one word more, Sir, to say with reference to my Honourable friend Mr. Sarabhai Nemchand Haji's remarks. It is perfectly true that the Indian Radio Company did offer 60 per cent. of its shares to the Indian public here. The whole lot was not taken up. But we still to-day have a substantial holding in the name of Indian shareholders and that is about all that has been possible up to now. I believe that the guarantee given by the Government when they gave the licence has been fully carried out, although in the light of what has developed subsequently, it may be a matter of regret to the Indian public that they did not take up all the 60 per cent. which was made available. But the fault of it can hardly be laid at the doors of the Government.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I am grateful to you for giving me this opportunity of supporting a Resolution which has been moved by one whom I greatly revere. For the last 34 years of my life I have on rare occasions followed him ; we were so apart from each other. In fact he took me to be a naughty boy and he could hardly control me. But here I think he will forgive all my past when I come to support him as also to tell him that this Resolution also does not please me, for this Resolution is very meek and humble. He asks the Government only to lay on the table all the correspondence between the Secretary of State and the Government of India. Now, Sir, we know the meaning of this phrase " laying on the table." But even in this matter of laying on the table, I am sorry that my friend has been disillusioned by the Honourable Member for Industries who says that certain confidential correspondence cannot be put on the table. This is the position in matters where we want either to interpellate or to move Resolutions recommending certain things to the Governor General in Council, and it were better for our dignity if we had not moved any Resolutions like this. No doubt this is a very technical subject about which I must confess before this House that I can hardly deal as ably as other Members have done. But at the same time I must say that there is another aspect of this Resolution which has been lost sight of and which ought to have been echoed in this House by at least one Member, and therefore I stood up, that is, the political aspect of the question. Now, Sir, I would like to know how this beam service, wireless service, cable service, with countries outside Asia or outside India is at all beneficial to the people of India, to the real people of India—I do not mean those who go to Europe every year in order to have a holiday, but those countrymen of ours, I mean those real countrymen of ours who till the soil and who find everything for us and for whom we come here saying that we are representatives of the people. Now, Sir,.....

Mr. K. Ahmed : What about the Bengal Tenancy Bill and the Swaraj Party ?

Mr. Amar Nath Dutt : I shall be obliged if the Chair controls such effusions.

3 P.M.

A side issue has sprung up owing to the speech of my Honourable friend, Mr. Neogy. It is with reference to representation of India in this matter. Now, Sir, I may also say the very same thing which has been said by many others about the highest regard for the personality of Sir Atul Chatterjee. I can also claim some amount of friendship with him as a humble man, and probably we had some connections longer than many here present. Be that as it may, I beg to submit that we know the meaning of Indian representation in such matters. We have had representatives of the type of Lord Sinha and the Maharaja of Burdwan and several others. Does the Honourable Member on the other side, do the Government seriously contend, that they are really representatives of the people and are selected to voice the aspirations of the people ? If they were honest in this matter, they would have selected you, Sir, or any reputable leader Pandit Motilal Nehru. Sir, if they really wanted Indian representatives, they would have chosen men like that, and not men from their own service, who are more bureaucratic, if I may be permitted to say so, than English bureaucrats. But be that as it may, I say this only to remind the Honourable Member in charge of the Department that the mere fact of Sir Atul Chatterjee being represented there does not make us believe that really you meant to give India representation, and that you meant to benefit India.

Now, Sir, it has been said that India is the biggest consumer of the wireless service, and if it is so and if India's interest is at all to be considered, I submit that the Member in charge of this Department has no other alternative but to place before the representatives of the people the correspondence which he considers to be confidential and submit to us confidentially that correspondence, if not to all of us, at least the Honourable Mover of this Resolution, whose honesty they cannot doubt.

Then, Sir, the Honourable Mover has said that this cable service is a central link in many ways, but I submit to the House that this is a central link in one thing, and that is in the matter of Imperial domination. It is a central link of British Imperialism, it is a central link of India's slavery.

I support this Resolution because I consider that by all these means of communication England has been able to perpetuate our present condition of slavery, and therefore I support my Honourable friend, the Mover of this Resolution.

My Honourable friend, Mr. Joshi, was pleased to observe about the real object of the merger. The real object of the merger is submerging Indians and India's interests.

Of course there are gentlemen who in supporting the Resolution have been pleased to observe that they would not embarrass the Government. They would look to the business part of it apart from politics, and so forth. These platitudes we are accustomed to hear, and I need hardly reply to them.

With these few words I beg to support the Resolution.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I had no intention of intervening in this debate but for the remarks that fell from my Honourable friend Sir Purshotamdas Thakurdas about the value of India's representation through Sir Atul Chatterjee. I do not think we are discussing the personality of Sir Atul Chatterjee at all. To me it is a question of principle. I want to insist that in all international agreements, in all international conferences, if they are to be binding upon us in the present and in the future, we must be represented along with officials by non-official representatives of India, who can speak for nationalist India. It is not a question of anybody's ability or anybody's *bona fides*, but it is a question of principle. These officials of the Government of India, whether they are Indians or whether they are Europeans, go under certain instructions ; they are bound by those instructions and cannot go behind those instructions. I have seen the best of them making representations or at least speaking in the name of the Government of India under instructions of the Government of India. Therefore, I do not subscribe to the proposition that however able an Indian may be in the service of the Government he can properly represent India and bind it for all times to come in an international agreement. I wish the Government to recognise that in the matter of international agreements, and international conferences, India will refuse to be bound by any agreements or decisions arrived at unless non-official India is properly represented at these conferences. I take this opportunity to state here that non-official India is to be reckoned with, and it must be allowed a proper representation, in all international gatherings and conferences.

Coming to this particular matter under discussion there is a provision in one of these agreements which has been brought to my notice by my Honourable friend Mr. Neogy. In one of these agreements it is said that " it is agreed that British control in all these companies must be paramount." May I ask this House, whether in agreeing to that provision, Sir Atul Chatterjee voiced the sentiments of India, the nationalist India ? Why did he agree to that provision ? If he agreed to that provision, it must have been under instructions from the Government of India. Therefore, I submit, it is a very serious matter that officials of the Government of India, which is admittedly a Foreign Government, whether Indians or Europeans, should bind India in these agreements behind the back of nationalist India. We have seen it in the case of the airship service also. We have seen it in many cases. The world is at the present moment revising all its programme of trade and in all these conferences that are being held in different parts of the world, India is always represented by officials appointed by the Government of India and under instructions of the Government of India or the Secretary of State. Are we going to be bound by those decisions ? I submit not, and that is a question of principle. In considering this Resolution, I want to say nothing about the technical side because I do not know anything about it. But I am perfectly certain that we on this side of the House are voicing the sentiments of the nation that in all these international agreements with which India is supposed to be bound up now, hereafter and for all times to come, we must be represented by a competent representative of non-official India and not by official Indians. We know we have many competent and able Indians in the service of Government. We do not question their *bona fides*, but they are trammelled

[Lala Lajpat Rai.]

by the conditions of their service and we cannot expect them to go against the instructions which they have received from their masters, namely, the Government. I have some personal experience in this matter, and I can say that Indian official can be an exception in this matter. He is bound by his instructions. Therefore, what we are fighting for is a question of principle. We are making no reflections on the honesty or ability of Sir Atul Chatterjee. We want to assert on the floor of this House that in all these international agreements relating to trade or cable services or anything else, India must be represented by non-official Indians. There are men like my Honourable friend Sir Purshotamdas Thakurdas, my Honourable friend Mr. Birla and many others who can represent India quite adequately and honorably in all commercial agreements. Why cannot the Government select any one of them in order to give help to the officials who are deputed for that particular piece of work ?

As the Government ignores practically all non-official India and takes upon itself to settle all these agreements we must continue to protest against this procedure and object to these agreements so that these agreements may not be altogether binding upon us for all time to come. That is the only question of principle which I wanted to enunciate in this debate.

Mr. K. C. Roy : Sir, the House has got to deal with two very astute Scotsmen in this matter. One is the author of the Report, Sir John Gilmour, and the other is the spokesman of Government, Mr. McWatters.

The Honourable Mr. A. C. McWatters : I am an Irishman.

Mr. K. C. Roy : However, an Irishman in Indian matters is as bad as any Scotsman. But he is one of the most brilliant members of the Indian Civil Service, and I am not very anxious to cross swords with him. My task however has been considerably lightened by my supporters. I am particularly indebted to Lala Lajpat Rai who has given us his opinion about Indian delegations in no uncertain terms. It was not several years ago, when I was a Member of the Council of State, that a similar proposition came from Sir Phiroze Sethna. I then expressed the same opinion as Lala Lajpat Rai, and I adhere to every word that Lala Lajpat Rai has said to-day.

Now I come to the remarks of Sir James Simpson whose presence I welcome. He has come with a great reputation to us and will prove a great asset; but I should like to enlighten him on two points. First of all there is the principle whether a company of this sort should be State-owned and State-worked. In 1923, the British Prime Minister laid it down as an emphatic proposition that it is necessary in the interests of national security that there should be a wireless system in that country capable of communicating with the Dominions and owned and operated by the State. This is the principle that has been denounced by the Baldwin Ministry in 1928. Now I ask my Honourable friend Sir James Simpson to find out the reasons.

Then another thing which interests the commercial community is cheaper telegraph rates, to which my Honourable friend Mr. McWatters has referred in a very subdued tone. What is the recommendation of the Gilmour Committee? Not the cheapest nor the minimum rate. Nothing of the kind. They say : " We will guarantee the communities concerned

an efficient service at a reasonable rate." I ask Sir James Simpson to find out what is the difference between a minimum rate and a reasonable rate. I am quite sure, Sir, India will materially suffer as a consumer by this new convention.

Then, Sir, much has been said about the representation of India at this Conference. I am reverting to it again because Mr. McWatters made a special point of it. Perhaps very few know that I have known Sir Atul Chatterjee longer than any other Member of this House, and I have nothing to say against him.

Mr. President : Longer than Mr. Amar Nath Dutt?

Mr. K. C. Roy : Longer than him, and I have known him longer than any other Member of this House.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : I dispute that.

Mr. K. C. Roy : You knew him in the United Provinces. I knew him before that when he was in a college in Calcutta. I yield to none in my personal respect for him; but the question of the Indian delegation is a matter of principle with me. Does Mr. McWatters know that England was not represented by the Postmaster General nor by the Secretary of the Post Office ? England was represented by the Secretary of State for Scotland, a hard-headed business man whose aid was necessary. And he was assisted not by a permanent official from the Post Office or from the Treasury. He was assisted by the Parliamentary Secretary to the Treasury. Shall I give him one or two more instances ? Who represented Canada ? Sir Campbell Stewart, a newspaper magnate who only recently owned a large block of shares in the London *Times*. And who was the High Commissioner who represented his Government at this Conference? The High Commissioner of New Zealand. New Zealand has very little to do with these companies. I hope I have convinced Mr. McWatters that the delegation sent to England to represent India's interests at this Conference was not the right sort of delegation.

Now, Sir, I come to Mr. McWatters' conclusions. I really envy him because he has given us such a lucid exposition of the report without bestowing an additional word on any other subject. I am simply lost in admiration of him. If he had joined the newspaper press, he would have been in a better position than he is as a Member of the Government of India. He has given us nothing—no news whatever, except a few lines about the Indian Radio Telegraph Company being handed over to Marconi's or to the merger, whichever it is; but that news also is so vague that this House should stand on its right to know what has happened in this matter. I know there are difficulties and I know that he is not in a position to disclose to us the internal affairs of private corporations; but we are entitled in this House to know the full instructions which he, as head of the department, issued to the Indian delegates and other official papers and until then, until he has shown them to this House or to the Standing Committee attached to his Department, I am not going to withdraw my motion.

Now, Sir, a word about Sir Purshotamdas Thakurdas. I have already replied to him as regards the character of the delegation about which he stressed so much. There is only one other point. He wanted to know the object of my motion. I think he has known enough of Parliamentary

[Mr. K. C. Roy.]

life to know that it is the usual Parliamentary formula to raise a debate to get the sense of the House on a given matter, and that is my sole and whole object. I leave the decision on my motion to the sense of the House.

The Honourable Mr. A. C. McWatters : Sir, I think it is perhaps only natural that on a subject of this kind the debate was apt to wander somewhat far away from the real subject of the discussion. The Resolution asks Government to lay on the table certain papers and even the Honourable Mover of the Resolution has admitted that the bulk of the papers, practically all of the papers, which I mentioned could not be laid.

With regard to our instructions to the High Commissioner, in reply to a definite question from Sir Purshotamdas Thakurdas, I have given the answer that our instructions were simply this, that he was to look after the interests of the Government of India, particularly in respect of the Indo-European Telegraph Department, and specially to consider the interests of the telegraph-using public. Those were our definite instructions. So, as far as that part of the Resolution is concerned, I maintain that I have done everything that this House could expect us to do, and also I have endeavoured to throw such light as I could—I hope I did not mix it up in a maze of words—upon the very difficult technical and financial arrangements which are involved in these proposals ; and in spite of what Mr. Roy has said, I am going to continue in the same spirit to answer one or two questions which have been put to me since I made my first speech to-day. The Honourable Mr. Das specially referred to the fact that these proposals had been forced upon our Indo-European Telegraph Department. I am afraid in some of the things he said he was not quite clear in his own mind about the Indo-European Telegraph Department and the Indo-European Company, which are two very different things. The Department acts with the Company as I explained ; but the Company is a purely private company and it, like our department, remains entirely outside the merger ; so that they are affected in exactly the same way *vis-a-vis* the Communications Company as our Indo-European Telegraph Department will be. I explained that as regards our direct income from the Gulf traffic and from the Persian traffic we were in no way affected by it ; but where we are affected by it is in its reverberation upon our joint purse. I pointed out, as stated in paragraph 42 of the report, that the joint purse system would remain unchanged ; and Sir Purshotamdas Thakurdas quite fairly pointed out the last sentence of the paragraph which said that the precise arrangements might possibly require revision, and it was for that very reason that I said in my first speech that the Government of India proposed to enter into correspondence with the Home Government before they considered the question of giving their final adherence to the proposals ; it was exactly for the reason that we wanted to be absolutely certain of our position *vis-a-vis* the new Communications Company, and how we would be placed, that we have not as yet given our definite adherence to these proposals.

Now, Sir, Mr. Haji asked me two definite questions ; first of all, in connection with the method by which the standard net revenue had been obtained—£1,875,000—and he appeared to quote from some paper dated about May, which referred to the figure having been obtained on figures of earnings of two years back. To begin with if it is a paper dated May, it has nothing whatever to do with the subject of this Conference, because the proposals were all of a later date than that. In the second place, I would point out that he has forgotten that this figure relates both to cables and wireless services, and two years ago the wireless was practically not in existence. So obviously the rate we are referring to now had nothing to do with the earnings of two years ago. Then again he asked me definitely whether the fact that the Government of India had insisted or arranged for 60 per cent. capital of the Indian Radio Telegraph Company being allotted in India was part of a general policy. I would point out that this company had to receive a licence from the Government. They could not operate without a licence from Government. Therefore, in this case, there was a special reason, apart from any general policy, why Government was perfectly entitled to lay down conditions of that kind.

I do not wish to deal with any questions which seem to me to go outside the subject of this discussion, or to argue again the merits of the representatives whom we chose. I think I answered that as well as I could in my original speech. The majority of the representatives of the various Governments were of course officials. As a matter of fact, this Conference took place at very short notice. I think we had about a week's notice. The matter was considered to be of great emergency. So that in the normal course such official representation as was available was adopted by a majority of the Governments concerned.

I think, Sir, that I have nothing else to say. I think that I have really in substance done what the Honourable Mover of the Resolution wants me to do, but I am sorry I cannot accept the Resolution.

Mr. President : The question is :

" That the following Resolution be adopted :

' This Assembly recommends to the Governor General in Council that he may be pleased to lay on the table all correspondence between the Secretary of State and the Government of India relating to the cable and the wireless beam merger scheme, certain conclusions of which were recently announced both in London and in India ' ".

The Assembly divided :

AYES—53.

Abdoola Haroon, Haji.	Mohammad Ismail Khan, Haji Chaudhury.
Abdul Matin Chaudhury, Maulvi.	Moonje, Dr. B. S.
Aney, Mr. M. S.	Mukhtar Singh, Mr.
Ayyangar, Mr. K. V. Rangaswami.	Murtuza Saheb Bahadur, Maulvi Sayyid.
Badi-uz-Zaman, Maulvi.	Naidu, Mr. B. P.
Belvi, Mr. D. V.	Nehru, Pandit Motilal.
Bhargava, Pandit Thakur Das.	Neogy, Mr. K. C.
Birla, Mr. Ghanshyam Das.	Rafique, Mr. Muhammad.
Crawford, Colonel J. D.	Ranga Iyer, Mr. C. S.
Das, Mr. B.	Rao, Mr. G. Sarvotham.
Das, Pandit Nilakantha.	Roy, Mr. Bhabendra Chandra.
Dutt, Mr. Amar Nath.	Roy, Mr. K. C.
Ghuznavi, Mr. A. H.	Sarda, Rai Sahib Harbilas.
Gulab Singh, Sardar.	Sassoon, Sir Victor.
Haji, Mr. Sarabhai Nemchand.	Shafee, Maulvi Mohammad.
Iswar Saran, Munshi.	Shah Nawaz, Mian Mohammad.
Joshi, Mr. N. M.	Simpson, Sir James.
Kartar Singh, Sardar.	Singh, Kumar Ranajaya.
Kidwai, Mr. Rafi Ahmad.	Singh, Mr. Gaya Prasad.
Kunzru, Pandit Hirday Nath.	Singh, Mr. Narayan Prasad.
Lahiri Chaudhury, Mr. Dhirendra Kanta	Singh, Mr. Ram Narayan.
Lajpat Rai, Lala.	Sinha, Kumar Ganganand.
Lalchand Navalrai, Mr.	Sinha, Mr. Rajivaranjan Prasad.
Lamb, Mr. W. S.	Sinha, Mr. Siddeswar.
Mehta, Mr. Jamnadas M.	Yusuf Imam, Mr.
Misra, Mr. Dwarka Prasad.	Zulfiqar Ali Khan, Nawab Sir.
Mitra, Mr. Satyendra Chandra.	

NOES—36.

Abdul Aziz, Khan Bahadur Mian.	King, Mr. C. M.
Abdul Qaiyum, Nawab Sir Sahibzada.	McWatters, The Honourable Mr. A. C.
Ahmad, Khan Bahadur Nasir-ud-din.	Mukherjee, Mr. S. C.
Alexander, Mr. William.	Parsons, Mr. A. A. L.
Anwar-ul-Azim, Mr.	Raghavayya Pantulu Garu, Diwan Bahadur T.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.	Rainy, The Honourable Sir George.
Bajpai, Mr. G. S.	Rajah, Rao Bahadur M. C.
Bharucha, Mr. S. M.	Rau, Mr. H. Shankar.
Bower, Mr. E. H. M.	Rogers, Mr. P. G.
Coatman, Mr. J.	Roy, Mr. S. N.
Crerar, The Honourable Mr. J.	Shamaldhari Lall, Mr.
Dakhan, Mr. W. M. P. Ghulam Kadi Khan.	Shillidy, Mr. J. A.
Dalal, Sardar Sir Bomanji.	Singh, Rai Bahadur S. N.
Ghazanfar Ali Khan, Mr.	Stewart, Mr. J. A.
Graham, Mr. L.	Sykes, Mr. E. F.
Hezlett, Mr. J.	Webb, Mr. M.
Hira Singh, Brar, Sardar Bahadur Honorary Captain.	Yamin Khan, Mr. Muhammad.
Jowahir Singh, Sardar Bahadur Sardar.	Young, Mr. G. M.

The motion was adopted.

RESOLUTION *RE* THE HAJ PILGRIM TRAFFIC.

Haji Abdoola Haroon (Sind : Muhammadan Rural) : Sir, I rise to move the Resolution that stands in my name. It runs as follows :

"This Assembly recommends to His Excellency the Governor General in Council that a mixed Committee of officials and non-official Muslims, with a clear non-official majority, be appointed to hold an open enquiry and take evidence, with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Calcutta, Bombay and Karachi ports, the duties and powers of the Protectors of Pilgrims and the Haj Committees and all matters pertaining to the pilgrim traffic, and to make the necessary recommendations for providing better arrangements for the pilgrims and mitigating their hardships and inconveniences".

Sir, before I say anything on this Resolution, I think it my duty to point out that the Haj is a subject in which both the Government and the people should take the liveliest interest. It is a fact that about 30 to 40 thousand Mussalmans reach Jeddah every year by ships from Karachi, Madras, Calcutta and Bombay. Pilgrims from many foreign Islamic countries come to India and they embark for the Holy Lands from the Indian ports. If we provide them also with facilities in this connection they will carry a good impression with them as those of our Indian pilgrims who have seen the arrangement and management of the Egyptian and Java Governments for the facilities of the pilgrims carry a good impression with them.

The Government are aware of the fact that more Mussalmans live under the British Government, and therefore the British Government's duty towards Mussalmans is greater than even any other Moslem State. With these prefatory remarks, I shall pass on to the Resolution.

Sir, no year passes by in which the Moslem newspapers in India do not publish the complaints of the Mussalmans regarding various hardships of the pilgrims. It is an old sore, and in the interest of the Government it is necessary that this question should be thoroughly investigated once for all.

Now Sir, I submit some of the hardships of the Haj pilgrims :

1. *The Passage Money.*—The passage money is too high. Before 1914 the passage rate of all the companies was about Rs. 40 (single) for deck. In 1914 when there was no competition of the shipping companies it rose from Rs. 40 to 100. The passage fare Rs. 120 (return) was the maximum of the war time. After the war the Government fixed Rs. 195 as the maximum and the shipping companies (Messrs. Turner, Morrison and Company and the Nimazi Company) settled among themselves and generally charged Rs. 195 during the pilgrim season. When the Shustri Company fixed their rate of steamers for Jeddah the above two companies reduced their rates. But last year this company also joined them and all the three having settled among themselves generally charged Rs. 195.

2. *Hardships in the Ships.*—As regards *space*, I beg to submit that the pilgrims sit on board of such vessels in greater number than the accommodation is set apart for them. A good many Hajis do not find seats even to sit on. It also happens that sharp and well-versed people go and monopolize a lot of space and the other poor and ignorant people go about begging for a little space and no one listens to them.

Under the present arrangement, the luggage of the pilgrims is so mixed up that several Hajis do not find their luggage and consequently have to beg their daily bread in the ship.

There is a general complaint that no attention is paid to the *cleanliness, proper ventilation, lights, etc.*, in the holds where most of the Hajis are packed up. According to rules some space in the ship is allowed for the pilgrims for rest and fresh air, but it generally happens that that space is also occupied by the pilgrims. When a complaint from the members of the Haj Committee is made to the captain of the ship, he replies that he is powerless and he cannot fight with the Hajis.

There is no Muhammadan Hindustani shop or contractor in the ship to sell bread, butter, mutton, tea, etc., at a reasonable price. The first few days most of the Hajis get sea-sick and are not fit to prepare anything for themselves and thus go without food for a number of days. The ships convey no stock of ice, and aerated waters in sufficient quantity.

The *fuel wood* supplied to the Hajis is sometimes damp and thick. The trouble of breaking it and getting it dried is very great.

In the ship, the *sweet water* is not so freely distributed and there is great scarcity of it. Besides about 1,200 pilgrims or so get sweet water at one place and at a limited time which causes great trouble to the pilgrims.

Latrines and bath rooms are not in sufficient numbers and generally there is no light in them. Females are not provided with separate latrines.

There has been a complaint regarding the manner in which the *dead pilgrims* (both males and females) are, under the present arrangement, thrown into the sea.

3. *Disinfection and Medical Inspection.*—The separation of female pilgrims from their relations or husbands at the time of disinfection and medical inspection is one of the troubles met with by the pilgrims before embarkation. This separation begins from the time the disinfection and medical inspection commences and lasts even in the ship when several women are seen crying and requesting other pilgrims to go in search of their husbands or relations.

[Haji Abdoola Haroon.]

4. *Treatment at disinfection embarkation and disembarkation.*—It is admitted on all hands that the majority of the pilgrims being illiterate people do not know all the rules and regulations of disinfection, embarkation and disembarkation, and thus when they give any cause to the authorities concerned they are very harshly treated.

5. *Hardships at Kamaran.*—Before the war all pilgrims had to be medically examined at the port of embarkation. Thereafter, owing to both Kamaran and Jeddah being then under the Turkish Government, pilgrims had to be examined at one of those ports. If they were examined at Kamaran, they had not to be examined at Jeddah and *vice versa*. In any case the pilgrims were charged pilgrim dues once only either at Kamaran or at Jeddah. Now since the war, the pilgrims have to be examined at both places, Kamaran as well as Jeddah, and have to pay pilgrim dues at both ports. There does not seem to be any need for examination at Kamaran as it is now a British port. By the time the pilgrims reach Kamaran, they have already been on board the ship for over 10 days, the period of segregation. In any case pilgrims are examined at Jeddah by the Hedjaz Government, so that an examination at Kamaran by the British Government would appear to be purposeless. I may here mention that the Javanese pilgrims have not to go to Kamaran.

6. *Thefts at Kamaran.*—At Kamaran a pilgrim has to undergo a quarantine of 24 hours and he has to suffer the troubles of transhipment and to carry a small portion of his luggage with him leaving his belongings in the ship. The ship authorities are not responsible for the theft of the things left on board, for such are the conditions printed on the tickets, and consequently actual thefts are committed without any redress.

7. *Pilgrim Camps.*—The question of the pilgrim camps at the various pilgrim centres is very important. I have sufficient experience of the pilgrims' camp at Karachi and I can say that there is much to be done there for the facilities of the pilgrims with regard to accommodation, sanitation, medical arrangements, issuing of passports, inoculation, water arrangements, etc.

8. *Haj Committees.*—At present it is not known what the duties, powers, and responsibilities of the members of the Haj Committees are, and in the absence of this the Haj Committee members can do no practical good to the pilgrims. Unless the question of the Haj Committees is thoroughly reconsidered no good will come out of their appointment. It is therefore necessary that the question of the formation of the Haj Committees should be reconsidered and the duties of such Haj Committees be properly defined by some rules and regulations.

9. *Procedure for getting Single Tickets very difficult.*—The procedure for obtaining single tickets for those who are *bona fide* not returning to India is a difficult one. It is with great difficulty that these tickets are obtained at present.

10. *System of Return Tickets.*—The present system of getting a refund of the difference between the single and return fares in case of those who do not return to India should be considered and the system made easier.

11. *System of deposits and unclaimed deposits.*—It is also necessary that the present system of receiving deposits from the Haj pilgrims and the disposal of the deposits be enquired into. In what manner thousands of rupees lapse to the Deposit Fund at the various pilgrim centres is also a question that should be thoroughly investigated. Thousands of rupees are realized from interest on deposits. In what manner that interest is utilized is also a question that should be investigated.

12. *Jeddah Arrangements.*—Other Governments have their special arrangements for their pilgrims at Jeddah regarding protection, medicines and other necessities of the pilgrims. Similarly, there should be a special department on behalf of the Indian Government at Jeddah to look after the convenience of the pilgrims.

Conclusion.—Before concluding I beg to submit that I am quite sure that, constituted as I suggest the Committee should be, the vexed question of the hardships of the Haj pilgrims will be solved in a manner which is likely to result in the best interests of India.

With these words I commend this Resolution to the unanimous acceptance of this House.

The Honourable Sir Muhammad Habibullah (Member for Education, Health and Lands) : Sir, I feel that it will be regarded as superfluous if I should try to give an assurance to the House in general, and to my Muslim brethren in particular, of my deep interest on behalf of the Hajis. Indeed I should deem it my duty, nay, a privilege, if I could do something to alleviate their sufferings, so far as they are reasonable, legitimate and genuine. When this Resolution was put into my hands my mind worked in a particular direction for the purpose of solving the object which the Honourable Mover has in mind. It seemed to me, and I may say that it still seems to me, that the better way of tackling the problem would be in a manner that I shall venture to explain. Honourable Members must be aware that at the present moment, although the Haj pilgrimage is a central subject, the responsibilities of the Government of India in that matter are discharged through the agency of the Provincial Governments, and may I add that most of the Provincial Governments are aided in their turn by what are termed as Haj Committees, with of course a preponderating Muslim element thereon. I have so far not received very definite complaints in regard to what the Honourable Mover has depicted in his very interesting speech. It seemed to me therefore not only fair but very necessary that to elucidate the real position I should agree on the floor of the House to communicate to the Provincial Governments this Resolution, together with any debate that may ensue thereon, and ask them to express their own views after consulting their Haj Committees ; and, on receipt of those reports from the various Provincial Governments, it was again my intention that I should lay the whole correspondence on the table of the House.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What about the conference you have already had and the questions asked in this House during the last two years ? Was not the Honourable Member in a position to deal with the Provincial Governments and the Haj Committees previously with regard to all the grievances ?

The Honourable Sir Muhammad Habibullah : Yes, they were referred to the Haj Committee ; and after laying them on the table of the House invite for consultation with me the Muslim Members of the Legislature and discuss with them the issues which emerge as a result of those

[Sir Muhammad Habibullah.]

reports. If as a result of such discussion it was found necessary to appoint a Committee, there would be ample material for the investigation of the Committee. I may remind the House that on two previous occasions it was my privilege to be helped greatly by my Muslim brethren in the Legislature. When, in 1925, I attempted to amend the Indian Merchant Shipping Act with a view to the introduction of the system of return tickets, and then again in 1927 when I made another attempt for the purpose of amending the same Act so that the pilgrims who were detained at the port of embarkation for a period beyond that which was regarded as reasonable should be entitled to compensation from the shipping companies, I adopted the procedure of seeking the help of the Muslim Members of the Legislature for the purpose of fortifying myself, with real Muslim public opinion. I may also inform the House that in connection with the consideration of this Resolution I came to the conclusion that the time had come when not only the Provincial Governments should be aided by Haj Committees with a preponderating Muslim element thereon, but that the Government of India should also call to its aid a Committee more or less of the type of what is known as a Departmental Advisory Committee. Indeed we have already the Standing Emigration Committee whose work and whose utility are beyond description. They render such useful help that I am tempted to think that if a similar Committee was installed for the purpose of helping the Department in charge of pilgrimage great benefit would be derived and such of the complaints which do not now reach the ears of the Government of India through responsible sources may come to us through the medium of that Advisory Committee, and we shall then be in a position to act according to their advice. This, Sir, was the brief outline of the plan which I had envisaged in my own mind when this Resolution was tabled and I claim, if I may say so, that there is some merit in the suggestion that I have put forward. At any rate it deserves some consideration.

Mr. K. Ahmed : Tabled by all the Muslim Members of the Assembly?

The Honourable Sir Muhammad Habibullah : But if the Honourable Muslim Members of this House feel strongly that a committee of enquiry should be appointed, I shall certainly not oppose it. (Cheers.)

I have not paid one of my rare visits to this House, for the purpose of opposing the Resolution, or for exhibiting anything like an uncompromising attitude. (Cheers.) If the Muslim Members of this House feel that they will be satisfied with nothing short of an appointment of a Committee, I repeat that, on behalf of the Government of India I shall accept their verdict (Cheers). But at the same time let me inform the House that I am prepared to accept the Resolution subject, of course, to the usual conditions. The first condition, as Honourable Members will realise, is one which will lie in their own hands. I mean the appointment of a Committee should be approved by the Standing Finance Committee, and the funds therefor voted by this House. The second is more or less the usual condition, namely, that the Government of India will reserve to itself discretion in regard to the choice of the personnel and the terms of reference to that Committee. And one last condition which Honourable Members will recognise is one of importance, and it is this, that the activities of this Committee will be confined only to arrangements made in India. (*An Honourable Member* : "What about quarantine conditions?") This condition is necessary, I was going to explain, in order to avoid the Committee, if appointed, claiming to investigate such matters as the quarantine arrangements made at Kamaran, which is in the Persian Gulf, or in the Hedjaz which, as Honourable Members know, is a foreign territory. (*An Honourable Member* : "Is it?") That is how I understand it. Well, it will obviously be impossible.... (*Mr. K. Ahmed* : "Protected by the British.") Everybody is protected by the British. It will, therefore, be obviously impossible to bring the affairs of Kamaran and the Hedjaz within the ambit of a Committee set up by the Government of India and whose jurisdiction must certainly begin and end with British India. I just wanted to make this position sufficiently clear. If my Muslim brethren are willing to accept those conditions, and if they insist on the appointment of a Committee as the only step towards the investigation of the grievances of the pilgrims, I repeat that I am quite willing to accept it. (Cheers.)

Maulvi Mohammad Shafee (Tirhut Division : Muhammadan): Sir, I rise, with your permission, to lend my support to the Resolution moved by my Honourable friend, Haji Abdoola Haroon. Before I do so, I have to thank the Honourable Sir Muhammad Habibullah for the frankness with which he has put his case and for the sympathy he has shown in the troubles of the Hajis. Sir, it fell to my lot in the very beginning of my career as a Member of this Assembly to study all the Acts, the rules and the regulations regarding Hajis from the earliest times. I have studied them with industry and care, and I think I can understand the implications of these Acts and these rules and regulations. I thought at that very moment that these rules and regulations were not made with reference to the life, the feeling and the sentiments of the people who were concerned with those laws and for whom they were made. Fortunately, soon after that, I had to fight for the opening of the Haj season that year and we had to force our way to Hedjaz because the Government discouraged the Haj in that season. I had to travel myself to the Hedjaz. Although I was offered some very comfortable position on my journey to the Hedjaz, I preferred to go through all the minute details through which the poor pilgrims had to pass.

4-0 P.M.

Mr. President : Order, order. I do not desire to interrupt the Honourable Member, but I hope he will realise that the issue between the Government and the House is not whether a Committee should or should not be appointed. The Government as I understood the Honourable Member is prepared to appoint a Committee if the Muslim Members want it and if they accept the conditions indicated by him. So the discussion should better be confined to the acceptance or otherwise of the conditions which the Honourable Member has just mentioned.

Maulvi Mohammad Shafee : I was just going to refer to that. It is only for that reason that I have risen to speak. You will see that the object of the Resolution is to get a Committee to go into all these

[Maulvi Mohammad Shafee.]

details and find out for this House all the grievances which the Hajis really suffer from, from the time they leave their homes till the time when they reach the place up to which the British Government have got their influence.

Mr. President : The Government has no objection to the appointment of a Committee.

Maulvi Mohammad Shafee : If they left out the troubles at Kamaran, which is so far as I know under the influence of the British Government, although I have been told that it is directly under the control of the British.....

The Honourable Sir Muhammad Habibullah : No, no

Maulvi Mohammad Shafee : However it is certainly under the influence of the British if not under their direct control. I am certain about that. Therefore, I was telling you, Sir, that we have got to see whether the rules and regulations which are at present in vogue for the Hajis are to be overhauled all through or not. That is the point. If you only want to touch the question so far as the Indian port is concerned, it is not of much avail. We have got to go beyond that. We have got to go to that limit up to which we find that the British Government can influence the authorities who are working in those places. That is the real point. I was going not to ask for the appointment of a Committee. If it had been my Resolution I would have asked for the election of a Committee by this House. However, it is not the Resolution before the House. Therefore I confine myself to pointing out.....

Mr. President : The Honourable Member is entitled to move an amendment.

Maulvi Mohammad Shafee : I have not done so. However, my point is that we have got to go over the whole thing. I am trying to bring out before the Honourable Member in charge of this Department that it will not do to touch one part and leave the other part at the mercy of the authorities who are dealing with it at present. Of course we do not want that the British Government should be dragged into a matter in which they have no concern. That would of course be beyond the power of the British Government, but so far as we can go we ought to go. If we are satisfied by our private talk with the Honourable Member in charge that the British Government cannot go into that question, if we feel that the British Government is helpless there, we cannot press it ; but if we are not satisfied as regards that point we shall certainly press the point. One point I was going to urge most strongly is that the Honourable Member will remember when constituting the Committee that the Committee which is required to be formed is one of official and non-official Moslems with a majority of non-officials. That of course has to be seen because it is then and then alone that you will be able to know the public mind. If on the other hand you make your choice.....

The Honourable Sir Muhammad Habibullah : I have not tried to discuss any single item in the Resolution. I have not expressed any difference of opinion so far as the constitution of the Committee is concerned and I do not think it is necessary.

Mr. President : I think it would be a much better course for Honourable Members representing the community to meet Sir Muhammad Habibullah before the next non-official day approaches and discuss the whole question with him. There is hardly any difference of opinion between Government and non-official Members in this matter, and I do not see why they could not come to an understanding on the question and save the time of the House.

Maulvi Mohammad Shafee : I don't think we should leave this opportunity. This Resolution may be passed and there is nothing.....

Mr. President : If Honourable Members do not want to come to an agreement with the Government they are entitled to do so, but if there is a chance of agreement there is no reason why it should not be taken.

Maulvi Mohammad Shafee : If the particular restrictions were removed from the offer made by Government, the Resolution might be passed to-day. I do not want to miss this opportunity.

Mr. President : The object is to get something from the Government. That can be more effectively had by the course I have suggested.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 6th September, 1928.

LEGISLATIVE ASSEMBLY.

Thursday, 6th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

Intensive Military Preparations on the North-West Frontier.

165. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to a report that intensive military preparations are taking place on the North-West Frontier of India, that a number of new forts have been erected, the Razmak Fort in Waziristan has been enlarged to accommodate 12,000 men, a special camp has been set up in the Tochi River Valley, that 60,000 men are being recruited in Delhi and Lahore, that aerodromes are being hastily constructed in the vicinity of the Afghan Frontier, and motor roads are being built all over the Frontier territory ?

(*b*) How far is the report correct ; and will the Government kindly state the arrangements that are being made on the North-West Frontier, and the nature of the emergency which they are intended to cope with ?

Sir Denys Bray : (*a*) Yes, Sir.

(*b*) No emergency whatever has arisen nor are any special arrangements of the nature suggested being made on or in connection with the North-West Frontier.

The whole report is baseless and mischievous, and I am obliged to the Honourable Member for giving me this opportunity of saying so.

Mr. K. Ahmed : What are the reason or reasons why the Army Secretary said yesterday that the military expenditure will not be decreased this year ? Is not that the reason stated in the question ?

Sir Denys Bray : I cannot see that the question arises in any shape or form.

Duplication of the Imperial Mail Service from Bombay to Calcutta.

166. ***Mr. Gaya Prasad Singh** : Is it a fact that the Railway Board is about to duplicate the Imperial Mail Service between Bombay and Calcutta, because overseas tourists are booking heavily ? Will Government kindly state the amount of profit or loss incurred on this special service, including the charges of the publicity organisation in London ? What is the total amount of expenditure under this last head, since its inauguration ?

Mr. A. A. L. Parsons : Owing to the heavy booking in London it is proposed to duplicate the Imperial Mail Service from Bombay to Calcutta this winter. The Imperial Mail from Calcutta to Bombay was duplicated

on several occasions last winter, and if it is necessary the East Indian Railway authorities will no doubt put on a second train again this winter. But, except for two additional carriages, no extra stock is at present being built specifically for this service. The net earnings from the Service for the year ending on the 31st July 1928 were between 2 and 2¼ lakhs ; this figure does not, however, include depreciation due for this period, which may be taken at about Rs. 25,000. The figure also includes nothing on account of the new publicity organisation in London. The booking for the Imperial Mail in London is done by the Peninsular and Oriental Steam Navigation Company. The cost of the London Publicity Office from the 1st September 1927, to the 31st of March, 1928—the latest period for which figures are at present available—was £833, in addition to which £2,000 were spent on advertisement. But since the booking arrangements for the Imperial Mail Service are, as I have explained, in the hands of the Peninsular and Oriental Steam Navigation Company, only a negligible portion of this expenditure, if any at all, can be said to have contributed to the use and popularity of the Imperial Mail Service.

QUANTITY AND VALUE OF STEEL CASTINGS FOR RAILWAY ROLLING STOCK ORDERED FOR THE INDIAN RAILWAYS DURING THE CURRENT YEAR.

167. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to make a statement showing the quantity and value of steel castings for railway rolling stock ordered for the Indian Railways in the present year ?

(*b*) How much of this is represented by axle-boxes ?

(*c*) To what extent does this represent the approximate annual requirements of the Indian Railways in steel castings ?

(*d*) What proportion of (*i*) the axle-boxes, (*ii*) underframe castings, and (*iii*) wagon castings, actually ordered is to be of Indian manufacture ?

Mr. A. A. L. Parsons : I am sending the Honourable Member a statement giving the information which he requires.

NUMBER OF UNDERFRAMES TO BE MANUFACTURED AT THE PENINSULAR LOCOMOTIVE WORKS AT TATANAGAR DURING 1928-29.

168. ***Mr. K. C. Neogy** : (*a*) How many underframes is it proposed to be manufactured at the Peninsular Locomotive Works at Tatanagar during the year 1928-29 ?

(*b*) To what extent will the steel components of such underframes be of Indian manufacture ?

Mr. A. A. L. Parsons : (*a*) 162.

(*b*) Orders have been placed in India for all steel sections, except three sizes, for which the Tata Iron and Steel Company has not yet got suitable rolls, though I understand they are getting them. The steel castings and the axle-boxes, after a call for tenders in India, are being ordered from Indian firms. I wish to add to that, that I am not quite sure, owing to present conditions at Jamshedpur, whether we shall actually be able to get the steel sections from the Tata Iron and Steel Company this year.

TENDERS FROM THE KUMARDHUBI ENGINEERING WORKS FOR STEEL CASTINGS FOR RAILWAY ROLLING STOCK.

169. ***Mr. K. C. Neogy** : (*a*) Have the Kumardhubi Engineering Works tendered for steel castings for railway rolling stock required by the Indian Railways since 1926-27 ?

(*b*) If so, for what quantities, and with what result, on each occasion ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) I am sending the Honourable Member a statement giving the information that he wants.

SPEECH MADE BY SIR RAJENDRA NATH MOOKERJEA REGARDING THE WAGON PURCHASE POLICY OF THE INDIAN STATE RAILWAYS.

170. ***Mr. K. C. Neogy** : (*a*) Has the attention of Government been drawn to a speech made by Sir Rajendra Nath Mookerjea at the annual meeting of the Indian Standard Wagon Co., Ltd., held on the 16th June last, regarding the wagon purchase policy of the Indian State Railways ?

(*b*) If so, will Government be pleased to make a statement with reference to the different points raised in that speech ?

The Honourable Sir George Rainy : Sir, I am afraid that my answer will be rather long in reply to this question, but this is a point on which I am anxious that the House should have full information.

(*a*) Government have seen Sir Rajendra Nath Mookerjea's speech.

(*b*) With perhaps one exception, the position of Government with regard to the points mentioned by Sir Rajendra Nath Mookerjea has already been made clear in a number of statements. I would refer the Honourable Member to the reply which I gave to Mr. Rangaswami Iyengar's question No. 5 on the 18th of August 1927, to the replies Mr. Parsons gave to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 149 on the 1st of March 1928, and to Sir Darcy Lindsay's starred question No. 484 on the 19th of March 1928 ; also to the debates which took place last Session on the Steel Industry (Protection) Bill, and to a speech which I made on the 20th September 1927 at the general meeting of the Associated Chambers of Commerce held at Calcutta.

The exception I have referred to relates to Sir Rajendra's complaint that manufacturers are handicapped in programming their work by delay in settling tenders, and on this point I am glad of the opportunity which the Honourable Member's question gives me to explain the position. Last year there was unavoidable delay in placing orders for this year's requirements because the Railway Board had first to know what decision would be taken on the report of the Tariff Board regarding the grant of protection to the manufacture of wagons and underframes. But I hope there will not be a recurrence of this disturbing factor, and I can definitely say that the Railway Board are anxious to meet the convenience of manufacturers in this matter as far as they possibly can. It is for this reason that they have arranged to take up their rolling stock programme, and place it before the Standing Finance Committee for Railways, six months in advance of the other parts of the programme, so that

in ordinary circumstances they should be enabled to call for tenders for their rolling stock requirements of the succeeding year in the autumn of the previous year. They are also fully alive to the desirability of coming to a decision as early as possible on tenders when they are received. It must, however, be realised that there are two factors, one of which I hope will only operate temporarily, which prevent the Railway Board from issuing their call for tenders, and from dealing with the tenders when they are received, as expeditiously as they themselves would wish. In the first place, the designs of some of the types of wagons have not yet been completely standardised and even when the number of wagons required in the following year has been settled it is not possible to call for tenders, or, in fact, for the firms to tender, until the designs have also been settled and detailed plans have been drawn out. This cause of delay will, I hope, soon cease to operate as the result of the action which is being taken to standardize designs. Secondly, in accordance with present arrangements, which were adopted in order to assist the wagon building industry in India, a combined call for tenders is issued for the wagon requirements of all Railways in India, and it is clearly necessary to consult individual railway administrations on the offers which are received before the offers to be accepted can be selected. The necessity for this consultation obviously means that somewhat longer time must elapse between the receipt of a tender and its acceptance than would otherwise occur.

NUMBER OF WAGONS OF DIFFERENT TYPES ORDERED FOR THE RAILWAY SINCE THE TERMINATION OF THE BOUNTY SYSTEM.

171. ***Mr. K. C. Neogy** : (*a*) How many wagons of different types have been ordered for the Railways since the termination of the bounty system, and with whom have the orders been placed and at what rates ?

(*b*) What steps, if any, have been, or are proposed to be, taken to ensure that a " substantial portion " of the materials used in the manufacture of each wagon is of Indian origin ?

(*c*) In interpreting the term " substantial proportion ", do the authorities satisfy themselves that such proportion represents a maximum of Indian materials that could possibly be utilised in such manufacture ?

Mr. A. A. L. Parsons : (*a*) I lay on the table a statement giving the information required so far as it is at present available. It shows the orders placed since the termination of the " bounty system " up to the 31st July 1928. I have not yet been able to get the full details required by the Honourable Member with regard to the orders placed abroad, but I am obtaining them from Railways and will furnish the information as soon as possible.

(*b*) The call for tenders requires the tenderers to satisfy Government that a substantial part of the manufacture will be done in India and that in making purchase of material for constructions of wagons and underframes, Indian manufacturers will be given an opportunity to tender. The general conditions of the contract also require the contractor to state the particulars of the material and parts which he proposes to import for the work and these particulars are carefully scrutinised before orders are placed. It also provides, as an essential condition of the contract, that a substantial part of the process of manufacture shall be done in India and that no important parts other than those detailed in the annexure to the tender shall be used in the work without the previous consent in writing of the buyer. It further provides that before making purchase of the material which the contractor states that he proposes to import, the contractor shall give Indian manufacturers an opportunity to tender.

(*c*) The details which the contractor is required to give of the materials which he proposes to import, enable the authorities dealing with the tenders to examine whether there are any such materials or parts which can be obtained in India. In fact, it is for this purpose that these details are demanded. I shall like to add that practically all the steel sections used in the manufacture of wagons can be, and are, obtained in India, though there are a few sections which cannot at present be rolled. I understand the firms concerned are taking steps to provide the necessary rolls. On the other hand wheels and axles cannot at present be manufactured in India.

Statement showing wagon orders placed in India after the termination of the Bounty Scheme, i.e., from 1st April 1927 to 31st July 1928.

No.	Description.	With whom.	Rate.
			Rs.
70	Petrol tank wagons	Burn and Company ..	7,750
13	Oil tank wagons..	Ditto	6,650
25	Bogie timber trucks	Ditto	6,300
4	Bogie rail trucks	Ditto	4,615
62	Bogie covered goods wagons ..	Ditto	4,192
21	Bogie high sided wagons	Ditto	3,798
195			
72	Bogie rail and timber trucks ..	Jessop and Company ..	8,994
53	Bogie open wagons	Ditto	9,398
196	Goods brake vans	Ditto	3,775
22	Goods brake vans	Ditto	3,730
343			

No.	Description.	With whom.	Rate.
			Rs.
100	M-A.-I	Indian Standard Wagon Company.	2,570
200	M.-A.-I	Ditto ditto ..	2,560
22	M.-C.-I	Ditto ditto ..	2,450
550	M.-A.-2	Ditto ditto ..	2,410
60	M.-C.-3	Ditto ditto ..	2,300
11	Goods brake vans	Ditto ditto ..	2,018
13	Goods brake vans	Ditto ditto ..	1,798
3	Bogie rail and timber trucks ..	Ditto ditto ..	5,250
110	Ballast wagons	Ditto ditto ..	2,360
1,069			

AMENDMENT OF THE GOVERNMENT OF INDIA ACT SO AS TO MAKE MEMBERS OF THE INDIAN SERVICES ELIGIBLE FOR APPOINTMENT AS CHIEF JUSTICES OF THE HIGH COURTS.

172. ***Lala Lajpat Rai :**
***Mr. Ghanshyam Das Birla :**
***Mr. Jamnadas M. Mehta :**
***Pandit Thakur Das Bhargava :** (*a*) Will Government be pleased to state whether they were consulted by His Majesty's Secretary of State for India before the introduction in Parliament of the Bill to amend section 101 of the Government of India Act so as to make members of the Indian services eligible for appointment as Chief Justices of the High Courts ?

(*b*) If so, did the Government of India agree to the above amendment and when ?

(*c*) If the answer to the above is in the affirmative, will Government please state why this matter was never mentioned in the House in answer to questions and Resolutions relating to the disqualifications of Vakils in this matter ?

The Honourable Mr. J. Crerar : (*a*) The Bill was the result of consultation between the Government of India and the Secretary of State.

(*b*) The Government of India agreed to the amendment in March 1926.

(*c*) The matter was referred to in the Honourable Sir Malcolm Hailey's speech in this House on the 19th February 1924. The questions asked, and Resolutions moved, in the Houses of the Legislature related only to the removal of the disqualifications of Vakils.

VISIT OF DR. SUDHINDRA BOSE TO INDIA.

173. ***Mr. C. S. Ranga Iyer :** (*a*) Will the Government be pleased to state if it is a fact that Dr. Sudhindra Bose, Lecturer in the State University at Iowa, was granted a passport to India on the understanding that he would leave the country within six months ?

(*b*) Who was responsible for imposing this restriction to six months ?

(*c*) Why was that restriction imposed ?

(*d*) Will the Government be pleased to state if they intend removing the restriction ? If yes, when ?

(*e*) Is it a fact that Dr. Bose has asked for an unrestricted *visa* to enable him to visit India whenever he desired and permission if he chose to settle down here permanently ?

(*f*) If the answer to (*e*) be in the affirmative, when is Dr. Bose to be given that permission to settle in India permanently and unrestricted *visa* to visit India whenever he chose ?

The Honourable Mr. J. Crerar : (*a*) and (*c*). I would refer the Honourable Member to the answer that I gave to Mr. Gaya Prasad Singh's question on the same subject, yesterday.

(*b*) The restriction was imposed by the Secretary of State.

(*d*) As Dr. Bose left India within the period stated, the question does not arise.

(*e*) He has enquired as to the possibility of securing an unrestricted *visa* and becoming naturalised as a British subject.

(*f*) The matter will be considered when Dr. Bose again proposes to visit India.

Mr. K. Ahmed : Will the Government of India be pleased to state what are the reason or reasons why Dr. Bose will not be allowed to stay in his own country, so that the country may know exactly what the situation is, and whether the criticism of the action of the Government by this side of the House is justified or not with regard to the Government's refusal to allow Dr. Bose to remain in this country ?

The Honourable Mr. J. Crerar : I do not think the Honourable Member has correctly apprehended the facts of the case.

Mr. K. Ahmed : Does that justify Government in withholding permission from Dr. Bose to come and stay in this country ?

REPORT PUBLISHED IN THE *Hindustan Times* OF JULY 7TH UNDER THE HEAD LINES " RACIAL ARROGANCE IN EXCELSIS," ETC.

174. ***Mr. C. S. Ranga Iyer :** (*a*) Has the attention of the Government been drawn to :

(*i*) a report published in the *Hindustan Times* of July 7th under the head-lines " Racial arrogance in excelsis " ; " Colonel's fury " ; " Scene in a Railway Compartment " : and

(*ii*) the Colonel's threat to report the station master on night duty to " his friend ".... a member of the Railway Board ?

(*b*) Has any action been taken against the station master for declining to carry out the Colonel's command against an invalid old Goanese lady of seventy who was incapable of moving from her seat or the berth on which she was seated without aid ?

(*c*) Are Government aware that the public opinion as expressed in the Press has approved of the station master's conduct and condemned the Colonel's rudeness ?

(*d*) What are the facts of the case according to the Government's information ?

Mr. A. A. L. Parsons : (*a*) Government have seen the article referred to, which contains a remark more or less to the effect stated in (*a*) (*ii*).

(*b*) and (*c*). No ; nor has any complaint been made to the Railway Board or any member of it.

(*d*) It seems to have been a petty squabble about berths. None of those concerned has subsequently reported the matter either to the railway authorities or, as I have said, to the Railway Board.

Maulvi Muhammad Yakub : Will the Railway Board take any action if a report is made to it ?

Mr. A. A. L. Parsons : No, Sir ; certainly not.

Maulvi Muhammad Yakub : Then why did the Honourable Member say that none of those concerned has reported the matter either to the railway authorities or to the Railway Board ? What does this answer signify ?

Mr. A. A. L. Parsons : It signifies what it says, that no report was made either to the Railway Board or to the Railway Administration.

Maulvi Muhammad Yakub : When the Honourable Member will not take any action if any report is made to him, what is the use of making a report to the Railway Board ?

Mr. A. A. L. Parsons : To my mind, there would be absolutely no use in making any report to the Railway Board for they would certainly refuse to take any action in a petty squabble about berths which appears to have been quite satisfactorily handled by the station master.

Mr. N. M. Joshi : May I ask whether it is not the duty of the Railway Board to save its employees from the bullyings of gallant Colonels ?

IMPROVEMENT OF THE ORGANIZATION AND EQUIPMENT OF THE ARMY IN INDIA.

175. ***Mr. C. S. Ranga Iyer** : (*a*) Is it a fact that the Government of India are in close consultation with His Majesty's Government constantly examining the problem of improving the organization and equipment of the Army in India in order to make good any deficiencies, give it the benefit of the latest modern developments and bring it into line with the British Army in Great Britain ?

(*b*) If the answer to the above question is in the affirmative, will the Government be pleased to place the correspondence on the table ?

(*c*) If not, why not ?

Mr. G. M. Young : (*a*) Yes, Sir. Consultation with the War Office and the India Office has been maintained, not only by weekly correspondence, but also by personal discussion, for which there have been frequent opportunities during the last few years.

(*b*) and (*c*). As my Honourable friend will readily understand, it would not be practicable or desirable to lay on the table of this House the voluminous, and in many cases secret, correspondence and memoranda extending over a number of years on this subject.

Pandit Hirday Nath Kunzru : May I ask, Sir, whether the Honourable Member himself discussed any question with the military authorities in England on behalf of the Government of India ?

Mr. G. M. Young : I was not deputed by the Government of India to discuses any question.

INADEQUACY OF MODERN EQUIPMENT FOR THE ARMY IN INDIA.

†176. ***Mr. C. S. Ranga Iyer** : (*a*) Has the attention of the Government been drawn to a special London Cable appearing in the *Pioneer* of July 13, 1928, page 1, col. 1, under the sub-titles " A Military Authority's opinion ", " Equipment in India inadequate " ?

(*b*) Is it a fact that India is regarded as having a shortage of mechanical and technical equipment ?

(*c*) If the answer to part (*b*) is " Yes ", what steps are being taken to remedy the said shortage and what would be the cost that the remedial measures would entail ?

CHANGE IN THE CHIEF COMMAND OF THE ARMY IN INDIA.

177. ***Mr. C. S. Ranga Iyer** : (*a*) Has the attention of the Government been drawn to a recent statement which appeared in the *Pioneer* that a change in the chief command in India might shortly be expected ?

(*b*) Is that statement true ?

(*c*) If the answer to part (*b*) is in the negative, are Government aware that the publication of such unfounded statements is calculated to do harm and create a false impression in hostile countries ?

(*d*) If the answer to part (*c*) is in the affirmative, do Government propose to instruct the Publicity Department to issue timely contradictions ?

Mr. G. M. Young : (*a*) I have seen the article in question and other statements in the journal to a similar effect.

(*b*) The statements are entirely unfounded and untrue. There is no truth whatever in the assertion that His Majesty's Government contemplate or contemplated, deputing an officer from England either to investigate the situation or to take over command : and there is also no

†For answer to this question, see answer to question No. 120 given on the 5th September 1928.

truth whatever in the statement that either Sir George Milne or Sir Claud Jacob is to visit India during the next cold weather. As regards the Commander-in-Chief, it is perhaps hardly necessary for me to repeat what has already been stated in Parliament, that His Excellency enjoys the full confidence of His Majesty's Government and the Government of India.

(*c*) The statements were undoubtedly mischievous.

(*d*) In this instance, the Honourable Member's questions and the questions asked in Parliament have provided the occasion for an official contradiction. Whether Government should, of its own accord, contradict statements of this kind in future, as the Honourable Member seems to suggest, would depend in each case partly on the importance of the subject and partly on the reputation of the newspaper making the statement.

Mr. K. Ahmed : In view of the fact that the Government has now admitted that mischievous statements have been made by the *Pioneer*, the most loyal paper at one time, though it has now turned to the side of the Swarajists, will the Honourable Member inform this House, both for their benefit as well as for the benefit of the country, why that paper has gone over to the other side ? Is it with a view to get more circulation than before ? Will the Honourable Member be pleased to explain the reason so that we may know the attitude of the *Pioneer* and why it has turned against the Government ?

Mr. G. M. Young : If the Honourable gentleman will put a question to that effect on paper I will give him a reply.

Mr. K. Ahmed : The Honourable the Army Secretary has just admitted that the *Pioneer* has made a mischievous statement, and in view of that fact, I think it is only right that Government should make an inquiry into the reason or reasons why it made such a statement.

INADEQUACY OF MODERN EQUIPMENT FOR THE ARMY IN INDIA.

†178. ***Col. J. D. Crawford** : (*a*) Has the attention of the Government been called to articles in the Press on the subject of the inadequacy of modern equipment for the military forces in India ?

(*b*) Will the Government please make a detailed statement as to the steps being taken to modernise the equipment of the army, the probable cost thereof, and the proposed method of meeting any additional expenditure if such is necessary ?

REPORTS OF THE TARIFF BOARD ON THE MATCH INDUSTRY AND THE OIL INDUSTRY.

179. ***Sir Purshotamdas Thakurdas** : Will Government be pleased to state when they expect to publish the Reports of the Tariff Board regarding :

(*a*) the match industry in India, and

(*b*) the oil industry in India ?

†For answer to this question, see answer to question No. 120 given on the 5th September, 1928.

The Honourable Sir George Rainy : (*a*) The Tariff Board's Report on the match industry was published on Saturday the 1st September last.

(*b*) The Board's Report on the oil industry will be published at an early date.

Sir Purshotamdas Thakurdas : May I know, Sir, if the Government of India's decision will also be made available to the public at the same time as the publication of the Report ?

The Honourable Sir George Rainy : The decision of the Government of India will be made available to the public simultaneously with the publication of their Report.

THE PILGRIM DEPARTMENT, BOMBAY.

180. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state (1) when the Pilgrim Department in Bombay was opened ; (2) what control, if any, administrative or otherwise, is exercised by the Government of India over this Department ; (3) what is the total strength of personnel in this Department and of what caste ; (4) who is the direct authority who recruits officers in this Department ?

Mr. G. S. Bajpai : Part (1)—About 1882.

Part (2)—Under the Devolution Rules, pilgrimages beyond India are a central subject. In respect of the Pilgrim Department in Bombay, the Local Government only act as the agents of the Central Government who retain powers of superintendence, direction and control. The budget of the Department is sanctioned annually by the Government of India.

Part (3)—Ten, of whom seven are Muhammadans, two Hindus, and one Christian.

Part (4)—The Commissioner of Police, Bombay.

PILGRIMS SHIPS.

181. ***Mr. Anwar-ul-Azim** : How many pilgrim ships carried Hajis to Jeddah this year, their total number, number of casualties on board the steamer both ways ? Did these steamers carry any qualified surgeon ? Who supplies medicines to the pilgrims on board the ships ? What are the respective tonnage of these ships ? Do they carry Marconi wireless ?

Mr. G. S. Bajpai : Only one ship, the S. S. " Humayun " sailed from Calcutta with 379 pilgrims for Jeddah this year. There were no casualties on board the ship on her outward voyage. No ships returned to Calcutta with pilgrims. The tonnage of the S. S. " Humayun " is 4,513 tons gross and 2,731 tons net. Similar information in respect to pilgrim traffic this year passing through the ports of Bombay and Karachi has been called for from the Government of Bombay and will be furnished to the Honourable Member later.

As regards the rest of the Honourable Member's question I would invite his attention to sections 195, 201 and 242 of the Indian Merchant Shipping Act, 1923, and rules 54—58, 70 and 80 of the rules relating to pilgrim ships. These rules are contained in the General Instructions for Pilgrims to the Hedjaz, a copy of which will be found in the Library.

EMPLOYMENT OF PILGRIM SHIPS WHEN NOT CARRYING PILGRIMS.

182. *Mr. Anwar-ul-Azim : Will the Government be pleased to state whether it is a fact that all pilgrim ships which carry Hajis to and from Jeddah are employed during the out-Haj time for the carriage of cargo ? On whose recommendation did the Government of India license these steamers for the carriage of pilgrims ?

Mr. G. S. Bajpai : With your permission, Sir, I shall deal with questions Nos. 182, 186 and 190 together. Enquiries have been made from the Government of Bombay and information will be supplied to the Honourable Member later.

SICK AND DISEASED PILGRIMS.

183. *Mr. Anwar-ul-Azim : (*a*) Will the Government be pleased to state where the sick and the diseased pilgrims are sent on their return from Mecca to Bombay ?

(*b*) How many pilgrims have been admitted into hospital since 1925 and with what result ?

(*c*) In view of the fact that sick pilgrims from all provinces of India are sent for treatment to these hospitals, will the Government be pleased to state what arrangements have been made to interpret the languages and dialects of the patients to doctors and others ?

Mr. G. S. Bajpai : (*a*) Such pilgrims as are willing are sent to hospital.

(*b*) So far as information is available, 209 pilgrims were sent to hospital, of whom 88 died, 2 are still under treatment and the rest have been discharged.

(*c*) Members of the Pilgrim Department and servants of the shipping companies, who can interpret in Urdu, Persian, Bengali, Malayalam, Tamil, Gujrati and Marathi, act as interpreters, whenever necessary.

REPATRIATION OF HAJ PILGRIMS WHO LOSE THEIR RETURN TICKETS.

184. *Mr. Anwar-ul-Azim : Will Government be pleased to state when and at whose instance the return ticket system was introduced on Haj pilgrim ships and what happens when pilgrims loose their tickets ? Are they repatriated free ? If not, why not ?

Mr. G. S. Bajpai : The return ticket system was introduced in 1925 at the instance of the Government of India with the approval of the Indian Legislature by means of an amendment of the Indian Merchant Shipping Act, 1923. The Honourable Member's attention is invited to section 208-A of the Act. If a pilgrim loses his return ticket and is destitute, he is repatriated by the Government of India free of charge. Shipping companies have however in the past granted free passages to some pilgrims who had lost their return tickets. To avoid loss of return tickets the British Consul at Jeddah has now introduced a system under which these tickets are deposited by pilgrims at the British Agency.

ABOLITION OF THE DEPOSIT SYSTEM IN THE CASE OF HAJ PILGRIMS.

185. *Mr. Anwar-ul-Azim : Will the Government be pleased to state when the deposit system which was introduced in 1923 was abolished ? Is it not a fact that by this system pilgrims could avoid the troubles and other hardships consequent on the loss of return tickets ? If this deposit system was changed on the passing of the Indian Merchant Shipping Act of 1925, do Government propose to change the particular section of law which stands in the way of this system ?

Mr. G. S. Bajpai : The deposit system referred to by the Honourable Member has not been abolished. In fact under section 208-A of the Indian Merchant Shipping Act, which was inserted by an amendment Act of 1925, a statutory provision has been made giving the option to a pilgrim either to purchase a return ticket or to make a deposit. This option was given as a result of the recommendation of the Select Committee of this House which considered the amending Bill in 1925 and which had a majority of Muslim members. If the representatives of the Muslim community, both inside and outside the Legislature, now express a preference for the deposit system, their views will receive careful consideration.

ERECTION OF A PILGRIM CAMP OUTSIDE THE MUNICIPALITY OF BOMBAY.

†186. *Mr. Anwar-ul-Azim : Will the Government be pleased to state whether they are contemplating to erect a pilgrim camp outside the Municipality of Bombay ? If so, why ?

(*b*) Is it a fact that the Government selected a spot for erecting a camp at Odala near the Parsee Colony at Dadar (Bombay) and that has been rejected by the Public Works Department at the instance of the powerful Parsee community of that locality ?

(*c*) Are Government now selecting another spot ?

(*d*) If the answer to part (*a*) is in the affirmative, will Government be pleased to state the reason why the Government propose to erect the camp outside the municipal limits although the landing stages for pilgrims are within the city municipal limits ?

(*e*) Are Government aware that the life of the pilgrims in a camp outside the municipal limits will be insecure and they will be put to great inconvenience for want of the proximity of bazars, mosques, hospitals and on account of the difficulty in getting the necessaries of life ?

(*f*) Will Government state the reason why *musafirkhanas* which are in the heart of the city are not being utilized for pilgrim camps ?

COMPLAINTS AGAINST THE LADY SUPERINTENDENT OF THE PILGRIM DEPARTMENT IN BOMBAY.

187. *Mr. Anwar-ul-Azim : Will the Government be pleased to state whether it is a fact that there have been several complaints against the present Lady Superintendent of the Pilgrim Department in Bombay, by many pilgrims and particularly by the several members of the Haj Committee, Bombay ?

†For answer to this question, see answer to question No. 182.

Mr. G. S. Bajpai : No complaint has been received against the permanent Lady Superintendent of the Pilgrim Department, Bombay, from any pilgrim. Only one complaint was made by a member of the Haj Committee, but, on enquiry, it was not substantiated.

FEMALE ASSISTANT TO THE LADY VACCINATOR IN THE PILGRIM DEPARTMENT, BOMBAY.

188. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether it is a fact that a Christian lady was appointed as a female assistant to the lady vaccinator this year in the Pilgrim Department, Bombay, though qualified Muhammadan females were available ?

Mr. G. S. Bajpai : The Muhammadan lady who was engaged during the past seven years did not apply for appointment this year. Three applications were received for the post, two from Muhammadans and one from a Christian. The latter was selected as she was also qualified as a nurse.

VISITORS ON BOARD PILGRIM SHIPS.

189. ***Mr. Anwar-ul-Azim** : In view of the fact that respectable persons gather together in Bombay during the outgoing and incoming pilgrim season to see off and receive their friends and relatives, will the Government be pleased to state whether it is a fact that not a single respectable Moslem gentleman is allowed to enter the wharf or board the ship even after representation and entreaties at the time of embarkation and disembarkation of pilgrims though many European ladies and gentlemen are frequently allowed on board the ship even without a question ? If so, why ?

Mr. G. S. Bajpai : Information regarding the specific complaint made in the Honourable Member's question has been asked for from the Local Government whose reply is awaited. I may, however, inform the Honourable Member that Government are considering the question of issuing a limited number of passes to enable visitors to go on board pilgrim ships.

RUDE TREATMENT OF PILGRIMS IN BOMBAY.

†190. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether it is a fact that pilgrims in general are roughly and rudely handled at the port of embarkation at Bombay at the slightest and even unconscious violation of the existing embarkation regulations ?

APPOINTMENT OF MUHAMMADANS AS SUPERINTENDENTS OF POST OFFICES IN THE BOMBAY CIRCLE.

191. ***Mr. Fazal Ibrahim Rahimtulla** : (*a*) Is it a fact that no Muhammadan has been selected in the Bombay Circle for the posts of

†For answer to this question, see answer to question No. 182.

Superintendents of Post Offices since 1913 although there are highly qualified Muslim candidates for the same ?

(*b*) Will the Government be pleased to state

(*i*) the percentage of Muhammadans in the Bombay Circle ; and

(*ii*) the number of appointments of Superintendents of Post Offices held by the members of different communities ?

The Honourable Mr. A. C. McWatters : (*a*) It is a fact that no Muhammadan has been selected in the Bombay Circle for the post of Superintendent of Post Offices since 1913.

(*b*) (*i*) 17 per cent.

(*ii*) The figures are as follows :—

Hindus	12
Muhammadans	1
Parsis	5
Anglo-Indians	5

RAILWAY EARNINGS FROM THIRD CLASS PASSENGERS DURING CERTAIN SPECIFIED PERIODS.

192. ***Mr. A. H. Ghuznavi** : Will the Government be pleased to lay on the table :

(*a*) a statement showing the amount of railway earnings from third class passengers during the period intervening between July 31st, 1928, and the date with effect from which the third class fares have been reduced ?

(*b*) and also a statement showing the railway earnings from third class passengers during the corresponding period last year ?

Mr. A. A. L. Parsons : I am afraid the figures for the period up to the end of July will not be available until some time next October. I will send them to the Honourable Member then. I should warn him, however, that the period of two or three months selected by him is in the opinion of the Railway Board much too short to allow any specific deductions to be drawn from the figures.

Mr. President : Mr. Anwar-ul-Azim.

(There was no reply).

Mr. President : Mr. Ghuznavi.

Mr. A. H. Ghuznavi : May I put question No. 193, Sir, which appears on the paper against the name of Mr. Anwar-ul-Azim ?

Mr. K. Ahmed : Sir, may I bring to the notice of the Chair that No. 193 is put down in Mr. Anwar-ul-Azim's name when it is Mr. Ghuznavi's question. Is this the way we have work done in the Legislative Department ? Does the Home Member realise.....

Mr. President : As I explained to the Honourable Member yesterday, the Chair has no control over the Legislative Department.

Mr. K. Ahmed : But does the Home Member realise, Sir, that such a thing should not occur in the Legislative Department which is supposed to be sacrosanct, and which is thus lacking in efficiency ? Do Government propose for the benefit of themselves and the country to remove

these lazy assistants and get a fairly intelligent lot such as are available in this Assembly and elsewhere, who will do their duty better than them ?

Mr. President : Whose question is 193 ?

Mr. A. H. Ghuznavi : It is my question, Sir. But in my copy of the list of starred questions it appears in Mr. Anwar-ul-Azim's name.

Mr. President : Is the Honourable Member willing to put question No. 193 ?

Mr. A. H. Ghuznavi : Yes, Sir.

ELECTRIFICATION OF THE KALKA-SIMLA RAILWAY.

193. ***Mr. A. H. Ghuznavi :** (*a*) Will the Government be pleased to lay on the table a statement showing the figures of the earnings of the Kalka-Simla Railway, and also explaining if the Railway is being run at a loss or at a profit ?

(*b*) If the Kalka-Simla Railway is being run at a loss, do Government propose to consider the desirability of electrifying the Kalka-Simla Railway, with a view to its being worked at a profit ?

Mr. A. A. L. Parsons : (*a*) The Honourable Member will find the figures he requires on page 172 of the History of Indian Railways corrected up to 31st March 1927, a copy of which is in the Library. He will see that there was a gain to the State in six out of the last ten years for which figures are there given, and a loss in the other four years.

(*b*) An investigation into the desirability of electrifying the railway is proceeding.

(1) LACK OF ARRANGEMENTS FOR SIGNALLING MESSAGES AT BRANCH POST OFFICES IN SIMLA.

(2) PROVISION OF MORE LETTER BOXES IN SIMLA.

194. ***Mr. A. H. Ghuznavi :** (*a*) Are the Government aware that the Simla public are hard hit owing to the various branch post offices in Simla not being equipped for signalling messages ?

(*b*) In view of the fact that all telegrams from Simla are despatched from the General Telegraph Office after being collected from the different branch offices and that such a procedure causes unnecessary delay and vexation, do Government propose to take steps to make arrangements for signalling at every branch office in Simla ?

(*c*) Do Government propose to take steps to provide more post boxes in Simla ?

Mr. P. G. Rogers : (*a*) Of the 7 local combined post and telegraph offices in Simla, all except two, Combermere and Simla North (Elysium), are connected to the Central Telegraph Office by wire.

(*b*) In the case of the two offices mentioned the average delay in transferring messages by hand is 20 and 15 minutes respectively. This delay does not justify offices being connected by wire and would not be reduced if they were.

(*c*) Additional letter boxes will be provided by the Postmaster-General, Punjab, as required.

PROVISION OF FRUIT VANS AND REFRIGERATORS ON ALL FAST TRAINS.

195. ***Mr. A. H. Ghuznavi :** (*a*) Are the Government aware that fruit vans are not at present provided in all the most important trains ?

(*b*) Are the Government aware that this prevents fresh fruit being conveyed from place to place conveniently ?

(*c*) In view of the above facts, do Government propose to provide fruit vans and refrigerators in all important fast trains ?

Mr. A. A. L. Parsons : I am not aware of any disinclination on the part of any railway administration to provide fruit vans wherever sufficient traffic in fresh fruit offers. I shall be very glad if the Honourable Member will bring a specific case to my notice. My impression is that all railway administrations are most anxious to encourage this class of traffic.

COOLING SYSTEM IN RAILWAY CARRIAGES.

196. ***Mr. A. H. Ghuznavi :** (*a*) Are the Government aware that the cooling system in railway carriages is very much appreciated by the travelling public ?

(*b*) Do Government propose to introduce the cooling system into all carriages in all important railways ?

Mr. A. A. L. Parsons : If the Honourable Member will let me know to what cooling system he refers, I will try and send him the information for which he asks in the second part of his question.

STRIKE AT THE RAILWAY WORKSHOPS AT LILLOOAH.

197. ***Mr. A. H. Ghuznavi :** (*a*) Will the Government be pleased to lay on the table a statement showing the number of Hindus and Muslims among the labourers who went on strike at the railway workshops at Lillooah ?

(*b*) Have the Government investigated the causes of the Lillooah strike ? If so, what steps do the Government propose to take to prevent the recurrence of similar strikes ?

Mr. A. A. L. Parsons : (*a*) Government have not got the information for which the Honourable Member asks, and do not think that any useful purpose would be served by collecting it.

(*b*) Though at the outset the alleged cause of the strike was the discharge of four workmen from the Lillooah workshops, Government believe that the real cause was the refusal by the Agent of the East Indian Railway of certain demands which were put forward by the men under threat of direct action. These demands have been investigated, and, as a result, the Agent has announced certain increases in the pay of certain classes of the lowest paid staff in the Lillooah and Calcutta workshops and his intention to institute an enquiry into the housing conditions of the workshop staff at Lillooah. With regard to the last part of his question, the Honourable Member is now aware of introduction of a Trade Disputes Bill in the current Session.

PERCENTAGE OF EDUCATED WOMEN IN TRAVANCORE AND COCHIN.

198. *Lala Lajpat Rai : (a) Are Government aware that in the Indian States of Travancore and Cochin the percentage of educated women is much larger than in any British province ?

(b) Will Government be pleased to lay on the table of the House a comparative statement showing the percentage of educated women in Travancore and Cochin and in the different provinces of British India ?

Sir Denys Bray : (a) Yes, according to the last census, this is generally true.

(b) A comparative statement is given on page 179 of the first volume of the Census Report, a copy of which is in the Library.

Mr. K. Ahmed : Which percentage is greater and which is smaller ?

TREATMENT OF CLERKS IN THE KARACHI BRANCH OF THE IMPERIAL BANK OF INDIA.

199. *Mr. Lalchand Navalrai : (a) Has the attention of the Government been drawn to a letter by " Fair Play " in the *Sind Observer*, Karachi, dated the 1st June 1928, regarding " Imperial banking hours " ?

(b) Is it a fact as stated therein that clerks in the Imperial Bank, Karachi Branch, work from 9-30 A.M. to 7-30 P.M. and that on several occasions after having half an hour's rest they work in office till midnight ?

(c) Is it a fact as stated in the letter that clerks of the Imperial Bank, Karachi Branch, are refused leave even in the case of serious illness of their relations and have been advised to resign and go ?

(d) Is it a fact as stated in the letter that the Imperial Bank in India has no fixed rules for its staff as in other Government offices, banks and firms ?

(e) Is it a fact that the grades of salaries of the employees in the Imperial Bank of India (Bombay Circle) have been abolished in June 1926 and that the clerks depend for promotion only on the recommendations of the Local Agents ?

(f) Is it a fact that shroffs in the Imperial Bank (Bombay Circle) have to submit a letter of responsibility for deficit of cash arising in their absence while going on leave for short periods ?

(g) Do Government propose to take any steps to have these wrong methods of administration of the Imperial Bank improved ?

The Honourable Sir Bhupendra Nath Mitra : (a) I have seen the letter referred to by the Honourable Member.

(b) to (f). The Government have no information and they are not at liberty to inquire into the matters alleged, as the Imperial Bank of India is not a Government institution.

(g) Does not arise.

Mr. Lalchand Navalrai : Will the Government be pleased to advise the Imperial Bank ?

(The Honourable Member remained standing after putting his supplementary question.)

Mr. President : The Honourable Member must resume his seat after asking the question.

(The Honourable Member then resumed his seat.)

The Honourable Sir Bhupendra Nath Mitra : No, Sir.

RECRUITMENT OF MUSSALMANS AS POSTMEN AND MENIALS IN THE CHITTAGONG DIVISION AND THE CHITTAGONG HEAD OFFICE.

200. *Mr. Anwar-ul-Azim: Is it a fact that Mr. Booth, the late Postmaster General, Bengal and Assam, while visiting Chittagong found in December 1919 that the Mussalmans are ill-represented in the postmen's and menial service and in order to bring the matter on a satisfactory footing he ordered recruitment according to the numerical strength of Mussalmans ? If so, will Government be pleased to lay on the table the number of such appointments filled up in the Chittagong Division and the Chittagong Head Office by Mussalmans and others from that date ?

The Honourable Mr. A. C. McWatters : Yes, but Mr. Booth's orders referred to the Chittagong Head Office only. Since they were passed the following recruitments have been made in Chittagong Division :—30 Hindu and 5 Mussalman postmen, 30 Hindu and 4 Mussalman menials ; in the Chittagong Head Office 5 Hindu and 1 Mussalman postmen and 12 Hindu and 5 Mussalman menials.

REPRESENTATION OF MUSSALMANS IN THE POSTS AND TELEGRAPH DEPARTMENTS (BENGAL AND ASSAM CIRCLE).

†201. *Mr. Anwar-ul-Azim : Is it a fact that Mussalmans are very ill-represented in the Posts and Telegraph Departments, particularly in the Bengal and Assam Circle ? If so, do Government propose to issue immediate orders to reserve at least the first ten vacancies of gazetted posts in the Circle for Mussalmans, and also the non-gazetted, clerical and menial appointments in each Division, and then fill up the vacancies according to the numerical strength of each community in the Bengal and Assam Circle ? If not, why ?

Mr. President : Maulvi Muhammad Yakub.

Maulvi Muhammad Yakub : Question No. 201 has not yet been answered, Sir.

Mr. President : It has been answered.

ILL-TREATMENT OF THE RAILWAY EMPLOYEES IN THE MORADABAD AND LUCKNOW DIVISIONS BY CERTAIN SPECIFIED OFFICIALS.

202. *Maulvi Muhammad Yakub : (a) Is it a fact that the Superintendent, Power House at Lucknow, the Assistant Superintendent, Power House at Moradabad, and the Running Shed Foreman, Moradabad and

†For answer to this question, see answer to question No. 72 given on the 5th September 1928.

Shahjahanpore, are in the habit of using abusive language, behaving discourteously towards and maltreating the railway employees in the Moradabad and Lucknow Divisions ?

(*b*) Are Government aware that a feeling of general discontent and dissatisfaction is prevailing amongst the railway employees in consequence of the maltreatment of the officers mentioned above ?

(*c*) Do Government propose an independent and impartial enquiry into the matter and to direct the superior authorities to take proper action against the officers mentioned above ?

Mr. A. A. L. Parsons : (*a*) Government have received no representations to this effect. In any case it is a matter with which the Divisional Superintendent is quite competent to deal adequately if it is represented to him.

(*b*) No.

(*c*) The Government understand that certain representations have been made to the Agent of the East Indian Railway, and they do not propose to interfere with his discretion to deal with them.

Maulvi Muhammad Yakub : Do Government propose to abolish the Railway Board for their uncompromising attitude ?

Mr. A. A. L. Parsons : I think proposals to that effect usually come from the other side of the House and not from Government.

RIOT AT BAMANGACHI.

203. ***Colonel J. D. Crawford** : With reference to the shooting at Bamangachi on March 27th, will Government be pleased to state whether any charge was laid by the police against any of the individuals taking part in the riot and, if so, what was the result ?

The Honourable Mr. J. Crerar : The Government of India understand that no criminal case was started against the persons concerned in the riot.

NO-TAX CAMPAIGN IN BARDOLI.

204. ***Mr. C. S. Ranga Iyer** : (*a*) Will the Government be pleased to state if prior to the conversations between His Excellency the Governor of Bombay and His Excellency the Governor General any correspondence had passed between the Governments of India and Bombay in connection with the no-tax campaign in Bardoli ? If the answer is in the affirmative, will the Government be pleased to lay the correspondence on the table ? If not, why not ?

(*b*) Did any correspondence on the same question take place between His Majesty's Government in Great Britain and the Government of India, and if so, do Government propose to place the same on the table ?

The Honourable Mr. J. Crerar : The Government of India were in close touch both with the Government of Bombay and with His Majesty's Government over the question. They do not propose to lay the correspondence on the table.

CONTRACT GIVEN TO MESSRS. BURN AND CO. BY THE EAST INDIAN RAILWAY FOR THE SUPPLY OF BASIC PIG-IRON.

205. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact as stated by the "Indian Trade Journal" for June 1928 that contracts for the supply of 3,540 tons of basic pig-iron at Rs. 60 per ton were placed by the East Indian Railway with Messrs. Burn & Co., Ltd., during the week ending the 26th May 1928 ?

(*b*) Is it a fact that the "Indian Trade Journal" for May 1928 shows that the current market rate for basic pig-iron was : Tata's Rs. 40 a ton, and Burn's, Rs. 60 a ton ? If so, why was the contract not placed with the Tata Company at Rs. 40 a ton, instead of placing it with Burn & Co., at Rs. 60 a ton ?

(*c*) Was the Tata Company asked to give their quotations for the supply ? If not, why not ?

(*d*) Who is responsible for the loss of about Rs. 70,800 of the tax-payers' money by giving the contract at a higher rate ?

Mr. A. A. L. Parsons : (*a*) Yes, except that the contract was placed with the Indian Iron and Steel Company of whom Messrs. Burn & Company are Managing Agents.

(*b*) The answer to the first part of the question is in the affirmative. Open tenders were called for in India, but the Tata Iron and Steel Company were unable to quote, and did not put in a tender. The contract was given to the lowest tenderer.

This also gives the reply to (*c*).

(*d*) As will be gathered from the foregoing answers, there is no question of a loss of the tax-payers' money ; the best offer was accepted by the East Indian Railway. I have ascertained that the quotation of Rs. 40 per ton given in the "Indian Trade Journal" for May 1928 was for "off grade" iron which does not come within the specified limits of analysis for good basic pig-iron, and is used merely as a substitute for scrap iron. The present price for the Indian Iron and Steel Company's basic pig-iron to their guaranteed analysis is Rs. 61 per ton.

INDIANISATION OF THE STAFF OF THE SECURITY PRINTING PRESS, NASIK.

206. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that in the Nasik Security Printing Press, the highest salary drawn by a European officer is about Rs. 1,875 monthly, while that of an Indian is only Rs. 280 ; and that the total salary bill of Europeans comes to about Rs. 14,275 ; that of domiciled Europeans and Anglo-Indians to Rs. 3,275 ; and that of Indians to Rs. 3,467 only per month ?

(*b*) Have Government received any representation from the Indian Merchants' Chamber, Bombay, on the subject ?

(*c*) What steps have Government taken, or propose to take, to Indianise the Nasik Security Printing Press ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The highest salary drawn by a European officer, *viz.*, the Master of the Security Press, is Rs. 3,875, a month. The total monthly salary drawn by Europeans,

domiciled Europeans and Anglo-Indians is Rs. 18,280, and that by Indians Rs. 22,546.

(*b*) Yes.

(*c*) The industry recently established in the Nasik Security Press is one entirely new to India, and the Indians possessing the knowledge of engineering and acquaintance with fine printing required in the higher posts are not at present available. The applications received from Indians for employment in the higher posts in the Security Press were either from men without experience in any technical line, or from men who had not made good in their previous employment. The Europeans employed in the higher appointments in the Press are men who have reached their present position by virtue of long service and technical experience, and these Europeans are now endeavouring to communicate their technical knowledge and experience to Indians already employed at the Press who are being trained in the various branches of the business. Several of these already show great promise, and among them should be found some who in course of time will succeed worthily to the higher posts.

Mr. M. S. Aney : May I ask where the Europeans employed in this Security Printing Press gained their technical experience ? Did they gain it in India or abroad ?

The Honourable Sir Bhupendra Nath Mitra : I am unable to answer that question fully, but, so far as I am aware, many of them had gained their experience abroad.

The Revd. J. C. Chatterjee : Do Government propose to send abroad certain of the Indians working in this Press to acquire the necessary experience ?

The Honourable Sir Bhupendra Nath Mitra : I am unable to give any definite answer to that question at present. But my Honourable friend will remember that that was a point raised by the Standing Finance Committee when they were dealing with a proposal for additional staff for this particular institution. I have no doubt that Government will give due consideration to the matter when they are dealing with that recommendation.

Maulvi Muhammad Yakub : What is the number of Europeans who get Rs. 18,000 a month, and what is the number of Indians who get Rs. 20,000 a month ?

Mr. President : No one, Indian or European, gets Rs. 20,000 or Rs. 18,000.

Maulvi Muhammad Yakub : I want to know the total number.

The Honourable Sir Bhupendra Nath Mitra : I regret, Sir, I am unable to give the numbers because I have not got the figures in my head. If the Honourable Member will put down a question on paper I shall see that it is answered.

TRAINING OF INDIANS IN FLYING IN ENGLAND.

207. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that three scholars have been selected by the High Commissioner for India in London for receiving flying instructions at the De Havilland Flying School, Stag Lane Aerodrome, Edgware, Middlesex, and two scholars have been selected by the Government of India ?

(*b*) Is it a fact that 2 of the scholars come from Bengal, 2 from Bombay, and 1 from Madras ?

(*c*) How have these selections been made, and what facilities, if any, were given to the other Provinces to offer their quota of scholars for training ? Have any rules been framed on the subject, and have they been published for general information ? Can a copy of them be laid on the table ?

(*d*) What is the amount of stipend, etc., if any, given to a scholar ; and can the number of scholars be increased ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). Yes.

(*c*) The selection of candidates in England was made by the High Commissioner for India after the selected candidates had been examined by a Selection Committee constituted for the purpose. The selection of candidates in India was made by the Government of India after the selected candidates had been examined by the Public Service Commission. Applications for the vacancies in India were invited by advertisements in the leading newspapers in India, and applications were received from all the major provinces except Assam and Burma. A copy of the rules and the prescribed form of application will be supplied to the Honourable Member.

(*d*) The amount of the stipend is £240 per annum. The Government of India contemplate the offer of five further scholarships in the next two years.

POLITICAL PROPAGANDA BY A PROMINENT GOVERNMENT SERVANT IN THE *Round Table*.

208. ***Mr. C. S. Ranga Iyer** : (*a*) Has the attention of the Government been drawn to the following statement in the *Pioneer*, dated Thursday, July 19th, under the title " Current Comment " on page 2 :

" .....A prominent servant of Government is responsible for the quarterly articles in the Review " The Round Table ".....The articles have been almost without exception, inimical to the legitimate aspirations of Indians."

(*b*) Is it a fact that Government servants are forbidden to take part in political propaganda ?

(*c*) Do Government propose to enquire who the writer of the articles mentioned in clause (*a*) is ?

(*d*) Do Government propose to ask him to desist from further propaganda in the *Round Table* ?

(*e*) Will copies of the *Round Table* for the last three years be placed in the Library ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) I would refer the Honourable Member to the Government Servants' Conduct Rules.

(*c*) and (*d*). No, as they are not aware that any breach of these rules has been committed.

(*e*) Copies will be placed in the Library.

Pandit Hirday Nath Kunzru : May I know whether the Director of Publicity is permitted to write to the *Round Table* ?

The Honourable Mr. J. Crerar : Under the restrictions laid down by the Government Servants' Conduct Rules, he is.

Pandit Hirday Nath Kunzru : Does he actually write to the *Round Table* ?

The Honourable Mr. J. Crerar : I understand that he has contributed some articles to the *Round Table*.

Pandit Hirday Nath Kunzru : Was the article on India in the last issue of the *Round Table* written by him ?

The Honourable Mr. J. Crerar : I must have notice of that question. I have read several articles by him in the *Round Table* which, in my opinion, are quite within the Government Servants' Conduct Rules.

Mr. Gaya Prasad Singh : I believe Mr. Coatman is here, and he can answer the question himself.

Mr. C. S. Ranga Iyer : Are the Government aware that the Governor of a Province, who has since retired, used to write to the *Round Table* during the period of his Governorship and also during the period when he was Inspector General of Police of a particular Province ? Will Government enquire into it if they are not aware of it ?

The Honourable Mr. J. Crerar : I am not aware of the fact, but I am prepared to accept the statement of the Honourable Member.

EMPLOYMENT IN THE MALAY STATES FOR REPATRIATED INDIANS FROM SOUTH AFRICA, TRINIDAD AND OTHER PLACES.

209. ***Mr. C. S. Ranga Iyer** : (*a*) Will the Government be pleased to state whether it is a fact that the Government of India have requested the Madras Government to negotiate with the authorities of the Malay States with a view to finding employment for a number of repatriated Indians from South Africa, Trinidad and other places ?

(*b*) Is it a fact that a large number of repatriated Indians arrived in this country some time ago and the majority of them, finding that the conditions in India were not suited to them, were anxious to return to their places of domicile across the seas ? If so, what was their exact number ?

(*c*) What arrangements have been made for their return to their places of domicile ? If none, why not ?

(*d*) Has any work been found for them in the Malay States ?

Mr. G. S. Bajpai : (*a*) The Government of India have asked the Government of Madras to ascertain from the Emigration Commissioner for Malaya whether he would be prepared to offer facilities to certain returned Indian emigrants at Matiabruz to emigrate to Malaya. So far as the Government of India are aware, the majority of these returned emigrants come from Trinidad, Mauritius and British Guiana.

(*b*) The majority of the people who emigrated from India to various Colonies in the past under a system of Indenture were entitled to a free return passage. Many of these avail themselves of this right and a number of emigrants return to India every year. The number, however, who have expressed a desire to leave India again is small : about eight hundred during the last nine years as compared with 56 thousand who came back to the country.

(*c*) I would invite the Honourable Member's attention to section 2 (1) (*b*) (*i*) of the Indian Emigration Act which defines the conditions under which a returned emigrant may be assisted to return to the part of the world to which he originally emigrated. Two Colonial Governments, *viz.*, the Government of Fiji and the Government of British Guiana have aided 350 and 173 returned emigrants to go back to their respective Colonies. The rest of those now at Matiabruz have, it is understood, expressed a desire to go to Malaya, and their request has been referred to the Emigration Commissioner as already stated.

(*d*) The reply of the Government of Madras, through whom the Emigration Commissioner for Malaya has been approached, is awaited.

REPATRIATION OF INDIANS FROM SOUTH AFRICA.

210. ***Mr. C. S. Ranga Iyer** : Will the Government be pleased to state :

(*a*) if they propose to take steps to put a full and immediate stop to the repatriation of Indians from South Africa ?

(*b*) if they are aware that the scheme of repatriation has failed and the repatriated Indians are anxious to return to South Africa ?

(*c*) if they are aware that several of the repatriated Indians are domiciled South Africans, mostly born and bred in South Africa ?

(*d*) if they are aware that the repatriated Indians find they have neither friends nor family attachments nor work in this country ?

(*e*) if they will ascertain the opinions in writing of the repatriated Indians whether they like to stay in India or go back to their places of domicile ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer parts (*b*)—(*e*) of the question first. The answer to part (*b*) is in the negative.

(*c*) Some of the assisted emigrants were born and brought up in South Africa ; but the majority of them are either people who emigrated from this country originally or their children.

(*d*) The Government of India have received no report from the Government of Madras to the effect that the majority of assisted emigrants have neither friends nor relations to go to. As regards work, the Honourable Member is probably aware that a Special Officer has been appointed in Madras to find work suited to the inclination and aptitude of those who apply for it. The reports so far have been that the returning emigrants do not want work : their anxiety is to get to their relations and friends as soon as they land in Madras.

(*e*) Government do not consider that such an enquiry is necessary, but if the Honourable Member has knowledge of any widespread dissatisfaction with conditions of life in India among returned emigrants, they will

be glad to look into the complaints if the Honourable Member will be so good as to pass these on to them.

(*a*) From the replies given to parts (*b*)—(*e*) of his question, the Honourable Member will infer that the answer to part (*a*) is in the negative.

EXCLUSION OF MEMBERS OF THE LEGISLATIVE ASSEMBLY FROM THE AGE OF CONSENT COMMITTEE.

211. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state why the members of the Legislative Assembly were excluded from the "Age of Consent" Committee ?

The Honourable Mr. J. Crerar : In view of the nature of the enquiry contemplated, Government considered it desirable to constitute a Committee which could not be regarded as already committed to any particular views. The report of the Committee and any legislation that may be undertaken in pursuance of its recommendations must necessarily come before the Assembly for the fullest consideration and discussion. If, however, the House so desires, I shall be prepared to add from its Members to the Committee.

Maulvi Muhammad Yakub : Were any Members of the Legislative Assembly on the Royal Agricultural Commission, on the Taxation Enquiry Committee and on various other Committees whose reports were discussed in this House ?

Mr. President : I am afraid that question does not arise out of this reply.

PAY OF THE BRITISH TRADE AGENT OF GARTOK AND HIS STAFF.

212. ***Maulvi Muhammad Yakub**: (*a*) What is the monthly salary of the British Trade Agent at Gartok and his staff or establishment ?

(*b*) Will Government be pleased to lay on the table a statement, in full detail, showing the total amount of annual expenditure in their salaries, travelling allowance and conveyance allowance of this British Trade Agent and his establishment, and in running a travelling post office and in employing a police force for this British Trade Agent ?

(*c*) Are all these expenses borne by the British Exchequer or by the Government of India ?

(*d*) Is any contribution made by the British Colonies towards the cost of maintaining this British Trade Agent at Gartok and his establishment ?

(*e*) What are the duties of this British Trade Agent at Gartok ?

Sir Denys Bray : (*a*) The pay of the British Trade Agent, who is not a whole time Government servant, is Rs. 100 a month for the months April to December.

The pay of the Sub-Assistant Surgeon is Rs. 200 per mensem throughout the year.

(*b*) A statement is laid on the table.

(*c*) By the Government of India.

(*d*) No.

(*e*) To visit the trade marts in Western Tibet, to protect and promote the commercial interests of traders from British India, and, generally, to watch the operation of the Trade Agreement.

Expenditure on the British Trade Agency at Gartok.

Serial No.	Head of Account.	Expenditure per annum.	Remarks.
		Rs.	
1	Pay of Establishment	3,300*	*(*i*) British Trade Agent for 9 months at Rs. 100 per mensem = Rs. 900. (*ii*) One Sub-Assistant Surgeon for full year at Rs. 200 per mensem =Rs. 2,400.
2	Travelling Allowance	6,247	
3	Supplies and Services ..	1,389	
4	Contingencies including Post Office, pay of menial establishment, etc.	4,740	
	Total ..	15,676	

N.B.—Since 1924 no Police force has been employed for the Agency.

SUMMER AND WINTER HEADQUARTERS OF THE BRITISH TRADE AGENT AT GARTOK.

213. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the summer headquarters of the British Trade Agent is at Gartok and his winter headquarters at Simla ?

(*b*) Who supervises the work of this British Trade Agent ?

(*c*) What is the distance from Simla to Gartok *via* Rampur Bushir, Poo and Chini ?

(*d*) What are the distances from Almora and Naini Tal to Gartok respectively ?

(*e*) Is it advantageous in the interest of the Government that the winter headquarters of this British Trade Agent be removed from Simla to Almora or Naini Tal ?

(*f*) Is the route from Almora or Naini Tal to Gartok shorter than that from Simla to Gartok *via* Rampur Bushir, Poo and Chini ?

Sir Denys Bray : (*a*) Yes.

(*b*) Superintendent, Hill States, Simla.

(*c*) Approximately 375 miles.

(*d*) Approximately 250 miles from Almora.

(*e*) The change would not be in the interest of Indian trade as a whole, as it would not keep us in the same touch with the more important wool and trade centres in the northern portions of Western Tibet.

(*f*) Yes.

REMOVAL OF THE WINTER HEADQUARTERS OF THE BRITISH TRADE AGENT AT GARTOK FROM SIMLA TO ALMORA OR NAINI TAL.

214. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the British Trade Agent at Gartok has to do his duties at the big marts of Gyanima, Chhakra, Taklakot, Duba, Shib, Chilam (Tibet) which lie near Milam (Almora) and where a trade of Rs. 26 lakhs is done collectively at all these marts for a period of only two months, *i.e.*, from 1st July to 31st August every year when the markets are open ?

(*b*) Is it also a fact that there is a post office named Gartok Post Office which is for the sole purpose of this British Trade Agent and which always remains with him ?

(*c*) Is it also a fact that if the winter headquarters of this British Trade Agent be removed from Simla to Almora or Naini Tal the whole expenditure of the conveyance of the equipments of the travelling post office (Gartok Post Office) will be saved to Government ?

Sir Denys Bray : (*a*) His duties are concerned with the marts mentioned but also with the marts in the central and northern portions of Western Tibet.

(*b*) There is a post office at Gartok, but it is not for the Trade Agent only ; it is open to the public, and is indeed a necessity for our Indian traders in Western Tibet.

(*c*) The equipment of the post office is small and the expenditure on conveyance trifling. Even if the Trade Agent's winter headquarters were removed to Almora or Naini Tal, a post office at Gartok will still be a necessity for our traders.

WITHDRAWAL OF THE CONCESSION GRANTED IN 1922 TO BRANCH LINE RAILWAY COMPANIES OF TREATING SUPERTAX AS A WORKING EXPENSE.

215. ***Sir Purshotamdas Thakurdas** : (*a*) Will Government be pleased to state the grounds on which the Secretary of State has decided that super-tax cannot properly be treated as a working expense in making up accounts with Branch Line Railway Companies ?

(*b*) Will Government be pleased to state the amount which they expect to gain by this change ?

(*c*) Will Government be pleased to state if it is a fact that this decision of the Secretary of State is in contravention of Government orders, dated 5th October 1922 ?

(*d*) Is it a fact that the Government of India have agreed with the decision of the Secretary of State ?

(*e*) If the reply to part (*d*) above be in the affirmative, will Government be pleased to state the reasons for arriving at that decision ?

(*f*) Are Government aware that the decision of the Secretary of State, as now notified, will, in the case of those Companies which require to draw rebate for the purposes of a 5 per cent. dividend, effectually prevent this payment of a dividend at that rate to their shareholders ?

(*g*) Are Government aware that shareholders in Branch Line Railway Companies construe the decision of the Secretary of State referred to in (*a*) above as being a breach of the undertaking arrived at between the Branch Line Railway Companies and the Government of India in 1922 ?

Mr. A. A. L. Parsons : (*a*) Because super-tax is essentially a tax on profits, and profits cannot be ascertained until working expenses have been met. This being so, there seems no good reason for relieving a Branch Line Company from a tax intended to be of general application.

(*b*) I am afraid I cannot give exact figures, but the amount is probably in the region of a lakh of rupees.

(*c*) It would be more correct to describe it as the withdrawal of a concession which was granted as a special case to Companies existing at the time the concession was given.

(*d*) The Government of India have accepted the views of the Secretary of State and given effect to them in the orders which they have issued.

(*e*) I have explained the grounds for the decision in my reply to (*a*).

(*f*) This is correct.

(*g*) No. I may add that I met representatives of some of the Branch Line Railway Companies in Calcutta recently and discussed this question with them. I think they realised that the orders which have recently issued amount to a withdrawal of a concession which was granted in 1922 ; at any rate this is a correct statement of what has occurred. At the same time I informed the representatives of those Companies that if they chose to make further representations to us we would consider them very carefully.

Sir Purshotamdas Thakurdas : Was this question considered by the Central Advisory Council for Railways ?

The Honourable Sir George Rainy : I do not think so. I do not think the question has ever been placed before the Central Advisory Council. I am at the moment considering a suggestion that it should be so placed, which emanated from the Honourable Member himself. I feel a good deal of difficulty about that because the question at issue seems to be rather a question of law than a question of general policy. However, I will undertake to consider very carefully the request which has been made.

Sir Purshotamdas Thakurdas : On what grounds was the concession made in 1922, if it is a question of law ?

Mr. A. A. L. Parsons : I am not quite sure on what grounds the concession was made in 1922, but I will look into the papers and let the Honourable Member know.

Sir Purshotamdas Thakurdas : Does the Honourable Member not think that that is very pertinent to the decision that the Secretary of State has now arrived at, by which he has thought fit to change a concession which was deliberately given in 1922, the law at that time being exactly the same as it is to-day ?

Mr. A. A. L. Parsons : I doubt if it is pertinent. If the decision now reached is that the law is such and such, even if the previous practice has not been in accordance with the law the law should now be obeyed.

Sir Purshotamdas Thakurdas : Is the law adamant about this ? Has it not proved to be flexible if the Government of India wanted it to be so ?

Mr. A. A. L. Parsons : I am not sure that the law can be flexible and not adamant ! I may say that when I met the representatives of several Branch Line Companies in Calcutta, I made them a definite offer that if they would like to test this matter in the High Court, we would take *such* steps *as we* could to make it inexpensive for them to bring a test case. I do not know if they propose to adopt that course or not.

Sir Purshotamdas Thakurdas : If I understood the Honourable Commerce Member correctly, he is prepared to put this case before the Central Advisory Council.

The Honourable Sir George Rainy : I did not go as far as that. What I said was that I felt a good deal of difficulty about this matter. When we are dealing with a matter of general policy, that would be a suitable question to refer to the Central Advisory Council, but when there is a question of law involved, then I am afraid the Central Advisory Council would not be in a position to give the advice that was needed.

Sir Purshotamdas Thakurdas : Does the Honourable Member imply that a discussion in the Central Advisory Council would injure the position of the Government of India in this connection ?

The Honourable Sir George Rainy : I cannot imagine how it could in this particular case.

Sir Purshotamdas Thakurdas : In view of that, may I suggest to the Honourable Member that the correct thing to do would be to let the Central Advisory Council discuss this.

The Honourable Sir George Rainy : I have promised that I will consider that. I am afraid I cannot go further than that at the present moment.

Sir Purshotamdas Thakurdas : I am content to leave it at that just now.

NUMBER OF STRIKES ON THE RAILWAYS DURING THE LAST 12 MONTHS.

216 ***Mr. C. S. Ranga Iyer**: Will the Government be pleased to state :

(*a*) How many strikes have taken place in all the Railways in India during the last 12 months ?

(*b*) Where did those strikes occur ?

(*c*) Why did those strikes occur ?

(*d*) How many men were killed during the strikes ? And how ? And why ?

(*e*) Were the families of those killed recompensed ? If not, why not ? If so, how much ?

Mr. A. A. L. Parsons : (*a*) Four.

(*b*) On the Bengal Nagpur Railway at Khargpur.

On the East Indian Railway at Lillooah with subsidiary strikes at Howrah, Ondal, and Asansol.

On the South Indian Railway at Golden Rock, Trichinopoly, Negapatam, and Podanur Workshops, and on the metre gauge generally among the lower paid classes of the running staff.

On H. E. H. the Nizam's Guaranteed State Railway at Secunderabad.

(*c*) The strike at Khargpur on the Bengal Nagpur Railway was due to the mens' dissatisfaction at reductions of establishment which had been found necessary.

With regard to the strike on the East Indian Railway, I would refer the Honourable Member to the reply given to the Honourable Mr. A. H. Ghuznavi's starred question No. 197 to-day.

On the South Indian Railway the strike among the workshop staff was due to dissatisfaction on the part of the men at reductions of establishment rendered necessary by the transfer of the workshops from Negapatam to Golden Rock. The lower paid classes of the running staff are understood to have struck in order to enforce a demand for higher wages.

The causes of the strike in the workshops at Secunderabad on the Nizam's Guaranteed State Railway are obscure.

(*d*) Two men were killed in the riot caused by the strikers at Bamangachi.

One man was killed during the riot caused by the strikers at Tuticorin, and one man was killed near Trichinopoly where a large mob collected and attacked the engine crew after the engine had collided with a motor bus at a level crossing.

(*e*) So far as the Government of India are aware, no payments have been made to the families of rioters who were killed ; nor is Government aware of any reason why compensation should be paid in such cases.

I may inform the Honourable Member that the period that I have taken for these figures is from the 1st September 1927 to the 1st September 1928.

Mr. C. S. Ranga Iyer : Will Government consider the question of giving compensation to these people ?

Mr. A. A. L. Parsons : That is not, I think, a question which it would ordinarily fall to me to answer, because we are dealing here with persons killed in the course of action taken to quell a riot. All I can say is that Government is not aware of any reason why compensation should be paid to the relatives of rioters who are killed while causing a riot.

APPOINTMENT OF A COMMITTEE OF THE CENTRAL LEGISLATURE TO ENQUIRE INTO THE GRIEVANCES OF THE EMPLOYEES ON THE INDIAN RAILWAYS.

217. ***Mr. C. S. Ranga Iyer** : (*a*) Will the Government be pleased to state if they propose to appoint a Commission of Enquiry consisting of

officials and non-officials selected by or from the Central Legislature to investigate the grievances of the employees on the Indian Railways ?

(*b*) If not, why not ?

The Honourable Sir George Rainy : (*a*) No.

(*b*) I would refer the Honourable Member to the discussion which took place in this House on the 27th February last on a motion moved by the Honourable Colonel Gidney during the course of the Railway Budget, and also to a speech which I made in another place on the 5th of September 1927 on a Resolution moved by the Honourable Dr. Rama Rau recommending the appointment of a Committee on the lines suggested in the question. I there gave the reasons why Government did not consider that such a Committee would be either desirable or effective as a means of dealing with any grievances brought forward by employees on Indian Railways.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member inform this House whether any action has been taken in regard to the discussion we had on the Railway Budget last February on this very matter ?

The Honourable Sir George Rainy : I think if the Honourable Member will wait till he hears the answer to the next question, that will give him the information he wants.

Mr. N. M. Joshi : May I ask whether it is not a fact that during the discussion about this Inquiry Committee, Government stated that the appointment of an Inquiry Committee would lead to discontent among the staff.

The Honourable Sir George Rainy : I do not know to what statement made on behalf of Government the Honourable Member refers, but if he has verified it, I am quite prepared to take it from him. It is not within my recollection at the moment.

Mr. N. M. Joshi : If that statement is correct, may I ask whether the present unrest is due to the appointment or non-appointment of ....

Mr. President : That is a hypothetical question.

Mr. C. S. Ranga Iyer : In view of the accumulating grievances of the Railway employees, strikes and things of that kind, will Government be pleased to reconsider their own position and view in the matter and appoint the Committee asked for ?

The Honourable Sir George Rainy : I cannot hold out any hope, I am afraid, to my Honourable friend that Government will find it possible to do that.

Maulvi Muhammad Yakub : Do Government propose to ask a member of the Railway Board to go round and make an inquiry into the grievances of the railway employees, if they do not propose to appoint a Committee.

The Honourable Sir George Rainy : All these matters have been engaging the constant attention of the members of the Railway Board and the Government of India. I do not at the present moment see that it would serve any particular purpose to send round a member of the Railway Board ?

Mr. N. M. Joshi : May I know whether the present unrest is the result of the constant attention paid to these matters by the Railway Board ? (Laughter.)

RACIAL DISCRIMINATION IN REGARD TO PAY AND PROSPECTS OF EMPLOYEES ON THE RAILWAYS.

218. ***Mr. C. S. Ranga Iyer** : (*a*) Will the Government be pleased to state if it is a fact that racial discrimination exists on the Indian Railways in regard to pay and prospects ?

(*b*) If the answer to (*a*) is in the affirmative, will the Government be pleased to lay on the table all the facts relating to racial discrimination under the following heads :

(*i*) Among the Indian, Anglo-Indian and European guards ?

(*ii*) Among the station masters and signallers ?

(*iii*) The other employees ?

(*c*) Will the Government be pleased to state when they propose to put an end to these racial discriminations ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the debate which took place last session on the motion moved during the discussion on the Railway Demands by Pandit Hirday Nath Kunzru. The position with regard to racial discrimination and the policy of Government with regard to it was then explained in speeches made by the Honourable Railway Member and myself. I should add that, as was then promised, all instances mentioned which appeared to suggest that there remain vestiges of racial discrimination either in the terms of initial employment or in the terms given after employment in railway service are being actively examined with a view to the removal of any cause for complaint in this direction. The Railway Board have also addressed the Agents of all Railways on the subject generally, reiterating their determination that all traces of racial discrimination should be completely eliminated, asking them to make an examination of their rules and practice, and pointing out that their examination should not be confined to the individual cases brought to notice in the course of the debate on the Budget but cover the whole field. I lay a copy of the letter which was sent to Agents on the table.

Letter from the Secretary, Railway Board, to the Agents, North Western, Eastern Bengal, East Indian, Great Indian Peninsula, Bengal Nagpur, Bombay, Baroda and Central India, Madras and Southern Mahratta, South Indian, Bengal and North Western, Rohilkund and Kumaon, Assam Bengal and Burma Railways, No. 624-E., dated the 20th July, 1928.

RACIAL DISCRIMINATION.

I am directed to invite your attention to the debate on "Racial Distinctions in Subordinate Establishments" reported in the Official Reports of the Legislative Assembly Debates, Friday, 24th February 1928, Vol. I, No. 16 (pages 779-782), and Saturday, 25th February 1928, Vol. I, No. 17 (pages 786-808).

2. You are aware that it is definitely the policy of the Government of India that all traces of racial discrimination should be completely eliminated, either in the terms which are offered for initial employment, or in the treatment after employment of subordinate staff.

3. In the debate, it was alleged that, though different grades for particular nationalities may no longer exist in graded establishments, direct admission to the higher grades, both on initial employment and on transfer from a different class, is in practice restricted to particular communities. The Railway Board desire that your methods of appointment direct to grades above the lowest applicable to each class of staff may be examined, and that you will inform the Board what steps you propose to take to remove whatever grounds may at present exist for this allegation.

4. Another point brought forward was that distinctions persist in the matter of medical relief. Practical considerations require that the staff should be classified in some manner for this purpose ; but I am to request that your regulations may be examined, and your arrangements adjusted if necessary, so that the same standard of attendance and accommodation may be available to all subordinate staff, irrespective of race but coming, however, within the same class according to pay.

5. It will be also noted that the Railway Board have invited information regarding cases in which there appears to be a suspicion of racial discrimination. The examination of the position, which you will now make, should not therefore be confined only to the two aspects to which reference has been made above.

Mr. N. M. Joshi : May I ask whether the Government of India will appoint a Committee of Inquiry to find out whether there is racial discrimination on the Indian Railways or not ?

Mr. A. A. L. Parsons : No. The Government of India consider that the action which they have taken should sufficiently meet the case.

Mr. N. M. Joshi : May I ask whether racial discrimination will be removed simply by issuing a letter to the Agents ?

Mr. A. A. L. Parsons : I have no reason to believe that the Agents will in any way disobey the orders of the Railway Board ?

Mr. N. M. Joshi : May I ask when it was that the Government of India first decided that there should be no racial discrimination ?

Mr. A. A. L. Parsons : Will the Honourable Member kindly give me notice of that ?

Mr. C. S. Ranga Iyer : Will the Honourable Member please state how long it will take to get rid of the existing racial discrimination, roughly ?

Mr. A. A. L. Parsons : I think the Honourable Member will realise that it is impossible to give an answer to a question of that kind. The complaint has generally been that owing to certain rules and certain practices on Railways certain communities have had a preference in getting appointments ; it is a question, therefore, of revising the rules and revising the practice. It is impossible for me to say within a month or two months or three months when the revision of those rules will be complete. All I can say is that we are doing our best to fulfil the pledges that we gave at the time of the last budget debate.

12 NOON.

Lala Lajpat Rai : Will the Government of India give a proof of their intentions by starting with the Railway Board itself ?

EXPENDITURE PER HEAD OF THE POPULATION IN INDIA ON LIQUORS AND INTOXICANTS.

219. *Sir Purshotamdas Thakurdas : (*a*) Have Government noticed the following quotation from a recent issue of the *Manchester Guardian* :

"The annual statement on the drink bill of Great Britain, issued by the United Kingdom Alliance, shows that last year there was a total net decline on the consumption of beer of 400,000 bulk barrels. There was an increase of 11,500 proof gallons in the consumption of spirits, and in wine an increase of 136,000 gallons. It is estimated that the amount spent on intoxicating drink for 1927 was £298,800,000 which compares with £301,300,000 for 1926, and the expenditure per head of the population has fallen from £6 17*s.* in 1926 to £6 15*s.* 3*d.* for last year" ?

(*b*) If the reply to the above be in the affirmative, will Government be pleased to state corresponding figures for consumption of country liquor and imported wines, giving the total drink bill for India during the last year for which figures may be available, and the expenditure per head of population in India on liquors and intoxicants ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No.

(*b*) I lay on the table a statement showing the figures of consumption for the years 1925-26 and 1926-27 as returned by the provincial Excise Departments. The Government of India do not possess the material necessary for preparing an estimate of the amount of expenditure by consumers represented by these figures, and of its incidence per head of the population.

Statement showing consumption of country spirit and potable foreign liquors during the years 1925-26 and 1926-27.

—	1925-26.	1926-27.	Increase (+) or decrease (—).
Country spirit L.P. gallons	6,356,098	6,209,724	— 146,374
Other spirit (imported and Indian "foreign liquor") L. P. gallons.	807,556	792,499	— 15,057
Wines (imported and Indian) Bulk gallons.	156,430	178,320	+ 21,890
Beer (imported) Imperial gallons ..	2,057,673	2,191,365	+ 133,692
Beer made in India—Imperial gallons	2,765,190	2,829,782	+ 64,592

Mr. B. Das : Is it not a fact that with many Provincial Governments it is a habit to encourage drinking among the people in order to derive more revenue from excise ?

The Honourable Sir Bhupendra Nath Mitra : I regret, Sir, I am unable to answer that question.

Mr. B. Das : Will they go into the matter and verify the correctness of the question which I put ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member is no doubt aware that under the existing constitution Excise falls in the realm of transferred subjects, and the Government of India do not possess any powers of superintendence, direction and control in the matter.

Mr. M. S. Aney : Do not the Government of India possess the power of collecting information from the provinces ? Have they no power even to make a request ?

Mr. President : Order, order. I think I may inform Honourable Members that it is destructive of the very edifice of responsible government which we all seek to create to discuss in this House questions on subjects which are transferred to Ministers in the provinces. The Provincial

Councils are the places where these questions can be discussed. In the interest of responsible government itself, it is not desirable that such questions should be discussed in this House, except in cases where the Government of India have got the power of superintendence, direction and control. It is a different thing there, but where responsibility is completely transferred to Ministers, it is not desirable in the interests of the constitution itself that those questions should be discussed in this House. It is a different thing when mere all-India statistics or the all-India position are inquired into by questions.

Mr. K. Ahmed : In view of the fact that a Resolution was passed in this Assembly recommending the abolition of drink, do Government propose for the benefit of the country to stop.....

PANEL OF CHAIRMEN.

Mr. President : Order order. In accordance with the provisions of rule 3 of the Indian Legislative Rules I announce that I have nominated the following Members to be on the Panel of Chairmen :

Lala Lajpat Rai,

Mr. K. C. Neogy,

Sir Victor Sassoon, and

Nawab Sir Sahibzada Abdul Qaiyum.

COMMITTEE ON PUBLIC PETITIONS.

Mr. President : Under Standing Order 80 of the Legislative Assembly Standing Orders I have to appoint a Committee on Public Petitions. I have, therefore, to announce that the following Honourable Members will form the Committee :

Mr. Jamnadas Mehta,

Mr. K. C. Neogy,

Mian Abdul Haye, and

Mian Mohammad Shah Nawaz.

According to the provisions of the Standing Orders, the Deputy President, Maulvi Muhammad Yakub, will be the Chairman of the Committee.

SEPARATE OFFICE FOR THE LEGISLATIVE ASSEMBLY.

The Honourable Mr J. Crerar (Home Member) : Sir, with reference to the communication which you made to the House yesterday I should like with your permission to take this earliest opportunity to explain briefly the position and intentions of Government. It must be apparent that there are certain aspects of the case on which Government are unable to concur in the views which you have expressed. It would be inappropriate on my part to endeavour at this stage to deal in detail with any matters of controversy, and I propose to limit myself to a concise statement of fact. You, Sir, on the 17th August, 1927, presented to Government a scheme for the

setting up of a separate establishment for the Assembly. On the conclusion of the Simla Session of 1927, the examination of the scheme was taken up in the Government of India and certain provisional conclusions were reached early in 1928. The rough draft of a despatch embodying these conclusions was prepared before the end of the Delhi Session. As the Government of India were not able to accept the scheme of the Honourable the President in its entirety, it was thought desirable to place him in general possession of the points of difference between him and Government and, further, to give him an opportunity by means of informal conversations with His Excellency the Governor General of expressing his views on this point. As the result of these conversations some points of difference were eliminated, but others remained. The despatch was revised and was sent to the Secretary of State on the 28th July. Honourable Members are of course aware that it is not permissible at this stage to lay the despatch before the House, but without indiscretion I may allow myself to say that there is much in the Honourable the President's scheme with which Government find themselves in agreement and that they have endeavoured to deal fairly in the despatch with all the points on which agreement has been reached between their view and that of the President. Honourable Members will realize that while Government are awaiting a reply to that despatch, they are not in a position to discuss this matter fully ; but lest Honourable Members should feel that the case is being decided without their having a chance of expressing their views, Government are ready now to give an undertaking that before any scheme which the Secretary of State is prepared to approve is put into operation, Honourable Members will, if they so desire, be given an opportunity of expressing their views. Whether the best procedure for the examination of the scheme will be by a general debate in this House, or whether the House would not be well advised in the first instance to depute the performance of this task to a Committee representative of all the parties and groups in this House is a question for the House to decide. I venture to suggest that, as a general debate in the circumstances which I have mentioned would seem unlikely to lead to concrete and practical results, the latter would be the better course ; and inasmuch as I should hope to be able in due course to lay the papers necessary to enable Honourable Members to form a considered judgment in the matter, I am willing, if the House so desires, to move for the appointment of such a Committee and a day will be made available for the purpose at as early a date as possible during the present Session. This Committee could then be constituted and, as soon as Government is able to lay the papers, would be in a position to take up the examination of the subject. Finally, Sir, I would like to draw the attention of the House to a fact to which you have referred that, pending the settlement of this matter, His Excellency the Governor General, with a view to meeting the wishes of the Honourable the President, has decided that the Secretary of the Assembly should no longer be a Member of the Assembly.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, may I, with your permission, ask the Home Member to clear up certain points in his statement which he has just read to the House. The matter is a very important one, and we have to consider on this side of the House very carefully what our own position is going to be in regard to it. You were pleased to read a statement to the House yesterday, and a copy of it has been made available to us by the Press. We know exactly, and, may I add, we appreciate fully, the action which

[Pandit Motilal Nehru.]

you have taken as the custodian of the rights of this House. I wish the statement which has just been read by the Honourable the Home Member were as informing. I wish also that I had a verbatim copy of it before me. But I have listened to it with all the attention that I am capable of and I wish to know whether I have understood it rightly. What I have been able to gather from that statement is that the reform which you are trying to introduce is to be put off *sine die*. I will explain why I draw that inference. It appears that a despatch has already been sent to the Secretary of State on the subject over the head of this House and without observing the common courtesy of showing it to the President who mooted the whole question and who was entitled in all fair play to know how his point of view was put and how his arguments were met. I further understand, Sir, that this mysterious despatch is to be considered by the Secretary of State for India and decisions are to be arrived at behind the back of this House, behind the back of the President, and when those decisions are received here, then an opportunity will be given to this House to express its own opinion ; for what purpose and to what end goodness only knows, when the matter has already been decided. I also understand from the statement that the Honourable the Home Member has an alternative proposal, namely, that of the appointment of a Committee which he is willing to appoint at once ; and to give us a day but for what purpose I have not been able to follow ; whether it is only to discuss the personnel of the Committee or also to discuss the matter which gives rise to the appointment of the Committee. Well, whatever that may be, I hope the Honourable the Home Member will make it clear. When the Committee is appointed, what has it to do ? It is not very clear what will follow. Of course the Committee will meet, it will make its recommendations ; those recommendations perhaps will be considered by the House. Then perhaps there will be another reference to the Secretary of State if the recommendations of the House are to be paid any attention to. And then a thousand other things might intervene. All that seems to me to be highly probable is that by the time that these preliminaries have been gone through this House will probably have ceased to exist and Lord Birkenhead will probably have shifted himself from Whitehall to Leadenhall if the news of this morning is correct. Sir, there could be nothing simpler than to put the proposals before this House before any despatch was sent to the Secretary of State. In that case it would have been very easy to have the decision of the Secretary of State on the considered opinion of the House about the proposals made by the President in time to inaugurate the new reforms before the Delhi Session. As it is I find that if the procedure which is indicated by the Honourable the Home Member is followed we shall never come to the end of it ; at least this House will not. It seems to me, Sir, that this procedure leads us nowhere and I therefore wish to ask a definite question, and I hope the Honourable the Home Member will reply. Is he willing to give us an opportunity and a day to discuss the whole question on the merits on such materials as we have ? I know we shall not have the benefit of what the Secretary of State has got to say. But I also know that even when a despatch is received from him we would probably not have the benefit of looking into it, because despatches are sacrosanct. But, Sir, we are perfectly prepared to go into the whole matter on the materials contained in your statement which is more or less exhaustive. We want no further facts to make up our minds. I pause for an answer before I put another question.

The Honourable Mr. J. Crerar : Sir, I regret that there should have been anything obscure in the statement which I have just made to the House. To explain further, I must, I think, to some extent recapitulate. The Honourable and learned gentleman opposite has asked precisely what my proposals were. I indicated to the House that there were two possible courses if they wished to take action in the matter. One was to have a general discussion ; the other, if they preferred it—and I indicated certain grounds which made the second alternative probably a better one—the second alternative was the appointment of a Committee. If the House prefers the first alternative, it is entirely a matter for the House to decide. But I should point out that for the reasons which I have set out in my original statement it is impossible for the Government to take a useful and contributory part in the debate. We are unable to lay before the House the details of the scheme submitted to the Secretary of State ; we are unable to discuss it. Further, we should not be in a position to deal with any specific points raised with regard to it by Honourable Member in other parts of the House. It was for those reasons that I ventured to suggest and I have no wish to influence the judgment of the House—I ventured to suggest that the preferable course would be the appointment of a Committee. That Committee, as I indicated, would not during the present Session be able to have material before it, which will no doubt be necessary before final conclusions are arrived at ; but the suggestion is made with the object which Government entertain of doing all they can to expedite the matter. In other words, a Committee having been constituted would be in being for the purpose of considering any proposals that may be approved by the Secretary of State or to suggest certain other proposals of their own. I hope that what I have said removes the obscurity which my Honourable friend mentioned.

Pandit Motilal Nehru : My question has not been answered. What I asked the Honourable the Home Member was, with all the disadvantages under which we are placed, will he be pleased to give us a day to discuss this matter thoroughly on the material which we have. It is very unfortunate that we have not got the decision of the Secretary of State before us, but, as I submitted, we cannot help it ; and we cannot wait for it, because it may be that this House may not be in existence when that decision is received. So we should make the most of what we have and my simple question is this. Will the Honourable the Home Member find us a day for the discussion of this matter on the materials now before the House in this Session ?

The Honourable Mr. J. Crerar : On the materials now before the House ? Does the Honourable gentleman mean the President's statement and my reply, or other materials ?

Pandit Motilal Nehru : That is all ; that is quite enough.

The Honourable Mr. J. Crerar : If the House desires to have a discussion on the basis of these materials, Government will certainly be prepared to make a day available. But I must repeat that Government, in a discussion of that kind, will not be able to take a contributory part in the discussion.

Pandit Motilal Nehru : That is a misfortune. But I think there will be the advantage of the Secretary of State having the views of this House before him when he is making up his mind finally upon the scheme. I

[Pandit Motilal Nehru.]

thank the Honourable the Home Member for the promise he has given of a day to discuss the matter.

Mr. President : I should like to throw out one suggestion to the Honourable Members. Would it not be more convenient if the Leader of the House and the leaders of the various parties meet together and decide on a course of action ? If that suggestion is agreeable, I am perfectly prepared to call a conference in my room to-morrow.

The Honourable Mr. J. Crerar : I should, for my own part, be very glad to comply with such a suggestion, if the business of the House permits of such a conference to-morrow.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I don't quite understand the position. I think that we ought to have a debate on the question, because what we want to know is the views of the House on the statement made by the President. I cannot understand why Government cannot place the despatch before the House. There is nothing secret in it. It is merely a question of establishment, and if the House cannot be trusted with this simple matter, I wonder what matters the House could really be trusted with. It is merely a question of what part of the establishment should be under the President and what part under the Government of India. There seems to be absolutely nothing confidential or secret about it that Government should choose to keep away from us. If the House is not worthy of that much confidence, I wonder how the Government can place any confidence in the House to pass legislative measures. It seems to me merely a pretence—pardon me for the use of this word—a mere pretence to postpone *ad infinitum* the settlement of this question. It has already taken two or three years, and may still take another two years, and as my learned friend (Pandit Motilal) has stated, by that time the House may be defunct and nothing would come of it. I therefore want something tangible to be done immediately to take the views of the House so that these views may be sent to the Secretary of State for action. I do not want the views of the House to be taken after the Secretary of State has decided the question. These may be red tape methods of the bureaucracy, but they do not commend themselves to us who want practical business to be done on the floor of this House. I am quite prepared for a conference, as suggested by the Honourable the President, but at the same time I am strongly in favour of a general discussion on the floor of this House, so that the Members may be in a position to express their views on the statement made by the Honourable the Home Member. We ought to have an early date for that discussion, and all the Members of this House ought to have a chance of expressing their views on that statement.

Mr. President : I think nothing is going to be lost by the leaders of the various parties meeting the Leader of the House and discussing the matter. As to the date for discussion of the question, Government are agreeable, but they say they will not be able to take any very useful part in the discussion. That is what I understood the Leader of the House to say. If the Leader of the House has no objection, I propose to call a conference at 12 to-morrow.

The Honourable Mr. J. Crerar : I understand that the conference will consist of yourself, myself, and the leaders of the various parties in the House ?

Mr. President : Quite so.

The Honourable Mr. J. Crerar : Subject to the observations I have already made, for my own part I shall be very glad to accept the suggestion, but it will depend on the business arising to-morrow.

Mr. President : I will see that an hour is fixed to suit all leaders. It need not necessarily be 12 o'clock.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL.

Mr. President : The Honourable Mr. Crerar. (The Honourable Mr. J. Crerar rose in his place.)

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I have to raise a point of order. I object to the motion that the Honourable the Home Member is going to make. The Leader of the House, Sir, is going to move :

"That the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India be taken into consideration ".

I submit that under the Standing Orders that motion cannot be taken up, if there is anyone in the House who objects to it on the ground that sufficient notice as required by the rules has not been given. I draw the attention of the House to Standing Order 38, which says what motions may be made after a Bill has been introduced, and then it goes on to provide :

"Provided that no such motion shall be made until after copies of the Bill have been made available for the use of Members ".

I beg the House particularly to bear in mind these words, " made available for the use of Members ". And any Member may object to any such motion being made until copies of the Bill have been made available three days before the date on which the motion is being made. The motion is being made to-day, 6th September, and copies were not issued to Members before the 4th September, and therefore three clear days have not preceded the motion that my Honourable friend is going to make.

Now I may be allowed to anticipate his answer. Probably his answer will be that the Bill had been published in the Gazette sometime before, but I submit that such publication cannot take the place of the provision that the Bill must be made available for the use of Members, because these are words which have a special meaning assigned to them by the Standing Orders, and the Bill must be made available in the particular manner provided and in no other.

Now I draw attention to Standing Order No. 12, at page 13 of this book, that is :

"The Secretary shall make every effort to circulate to each Member a copy of each notice or other paper which is by the Standing Order required to be made available for the use of Members ".

Then sub-section (2) is :

"Notice or other paper shall be deemed to have been made available for the use of every Member if copies thereof are deposited in such manner and in such place as the President may from time to time direct ".

To the best of my information there was no direction of the President on this subject and this Bill was not deposited in any particular place. I

[Pandit Motilal Nehru.]

therefore submit that the Standing Order has not been complied with and under Standing Order No. 38 I am competent to raise an objection, unless the President in the exercise of his discretion suspends that Standing Order. There is no doubt that you have discretion to suspend the Standing Order and allow the motion to be made, but I submit this is not a case where you will exercise that discretion, firstly, because it is a very important measure and there is no reason why it should be rushed like this. Secondly no harm can be done, because if my objection succeeds, it will mean a delay of three or four days, till the next official day.

It may be asked why I am raising this question at all. It is because of the absence of many Members from the House, it is because of the empty benches that I am raising this point. It is always the case that in the beginning of a Session the attendance is very meagre. I think it has always been more or less an understanding or a convention that no important measure should be introduced until all Honourable Members have had the fullest opportunity of attending the Assembly and taking part in the debate. Now this is a matter upon which it is desired to have a full dress debate in the House and I would therefore ask you, Sir, not to exercise your discretion and suspend the Standing Order. The Standing Orders are entirely in my favour and there is no question that a publication in the Gazette or anything else can take the place of a Bill being available for the use of Members in the particular manner which has been provided for by the Standing Orders. The Government Gazette of course is a very important document, more important specially for men in service than for others. But so far as I am concerned, it is most uninteresting reading and I never even open it unless my attention is drawn to any particular thing therein. So, I submit that the publication in the Gazette cannot take the place of a Bill being made available for the use of Members in the manner which has been prescribed by the rules. Therefore, I submit that this Bill should not be taken into consideration.

Mr. President : What is the urgency of this measure ?

The Honourable Mr. J. Crerar (Home Member) : The Government regards this matter as a matter of great urgency.

Pandit Motilal Nehru : Is there going to be a great influx of these undesirables within three days ?

The Honourable Mr. J. Crerar : The Bill itself is a very urgent matter. The Government regard not only the Bill itself but also its progress through the House as matters of great urgency.

Pandit Motilal Nehru : My only point is that the Government must comply with the rules and Standing Orders.

The Honourable Mr. J. Crerar : On a point of order, Sir. The Honourable Member has raised a point of order on the ground that the copies of the Bill were not being made available to the Members. He anticipated one or two objections that would be naturally raised. In the first instance the Bill was published in the Gazette on the 25th August. Copies of that Gazette were sent to every Honourable Member. (*Honourable Members* : "No, no.") Copies of the Bill were deposited in the lodgings of Honourable Members present in Simla. I venture to submit that Honourable Members have had in point of fact the opportunity of having this Bill in their hands for three days and more. I venture to submit that in the exercise of your

discretion the point which you should take into consideration is whether in fact ample notice has been given to Honourable Members, whether ample opportunities have been given to Honourable Members of having this Bill in their possession. When the Honourable Member spoke of what he called the depleted benches on that side of the House, I venture to think he was introducing an entirely extraneous matter which has no bearing on the question now before the House.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : May I say, Sir, that the statement made by the Honourable the Home Member that copies of this Bill were deposited at the lodgings of Honourable Members here is far from being correct. I wanted a copy of this Bill on the 2nd, but I could not get it. I asked for a copy at the Notice Office on the 3rd instant and was told that they did not possess it.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I want to bring to the notice of this House the bad practice that exists at the present moment of depositing these documents at the lodgings of Members. I support my Honourable friend Mr. Kunzru that it is not right to state that the copies of these Bills were deposited at the lodgings of Members three days from to-day. It is not right. I may say that the general practice of these papers being sent to Members is so vicious that really Members have no time to study the papers. These papers generally reach our lodgings not before 10 o'clock at night, and they generally relate to the business of the next day. That is the way in which the Legislative Department has been discharging its functions and its duties.

Mr. President : I hope you do not hold the President responsible for it. (Laughter.)

Lala Lajpat Rai : I must say that it becomes extremely difficult for us to study anything in time.

There are two questions involved in this discussion, one is the technical question which has been raised by my Honourable friend, Pandit Motilal Nehru, and the other is the question of propriety or the haste, the indecent haste with which the Government want to rush this Bill through. Of course the latter has been brushed aside by the Government. The Government must have had this matter under consideration before them, for a long time, they must have arrived at a decision long ago. Why was it not possible for the Government to announce, at least a fortnight or a month before the date of the Assembly, that the Government were going to introduce this Bill ? This is a very difficult matter and also a very important matter. Honourable Members have to consult the different laws of other countries. The Honourable the Home Member says that it was published in the Gazette on the 25th August. Surely the Honourable the Home Member does not expect the Members to restrict themselves to their homes on the 25th August for the purpose of reading the Gazette. They have other important business to attend to. My Honourable friend Pandit Nehru when he talked about the empty benches on this side did not want to make it a point for argument. He simply stated why he was keen that the Bill be not taken into consideration to-day. He was absolutely frank on his part, and I wish the Government were equally frank on their part. We want the business

[Lala Lajpat Rai.]

done expeditiously and in a better spirit, but the Government wants to conceal everything and to spring surprises upon us. I do not see any need of hurrying the measure. The Assembly is going to sit till about 23rd of this month and surely this business can be taken up on any other day, say Monday next. We do not want to delay the Bill, but at the same time I think the Members are entitled to raise this question if it enables them to consider this matter properly fully. This matter requires careful study. The Government have of course been preparing their case for months. If they were in our position, they would feel the helplessness of our position. The Government have got their Secretaries and other experts to help them in this measure. But we have to do the whole thing ourselves. I think it is absolutely fair that we should be given a fair chance to study the Bill. I therefore beg you, Sir, not to exercise your discretion and not to suspend the Standing Order and allow the Bill to be taken into consideration at once.

Mr. H. G. Cocke (Bombay : European) : I am alarmed and surprised at the suggestion of Honourable Members on the other side that there is no urgency in this matter. It has been on the lips of everybody for several months past.....

Mr. President : The question is not whether there is any urgency for the measure or not. The question is whether copies of the Bill have been made available to Honourable Members three days before to-day. That is the only question.

Mr. H. G. Cocke : On that, Sir, I want merely to say that I got my copy all right in the Government of India Gazette considerably more than three days before to-day. (*An Honourable Member* : " Is it racial discrimination ?")

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : I want to say something on this point of order. It is purely a technical matter on which you are asked to give your ruling. I appreciate the appeal of the Honourable Member, Lala Lajpat Rai, and I am giving my views purely from the technical angle. Under rule 18, the Governor General has published the Bill in the Gazette and it has made it unnecessary for the Government to ask this House for leave to introduce the Bill or to supply copies of the Bill under Standing Orders. Would it or would it not be considered a fact that the publication in the Gazette is the supply of the information to Members and that the posting of that Gazette is enough ? Government cannot of course guarantee that every copy of a Bill despatched to a Member is going to reach that Member ; and I submit that, because the Government of India did not introduce the Bill in this House but used the right they have under rule 18 to publish it in the Gazette, it should be taken that that Bill was in the hands of Members when it could reasonably be expected that the Gazette was delivered.

Lala Lajpat Rai : The wording there is with reference to leave to introduce a Bill, not for the purpose of dispensing with circulation.

Sir Victor Sassoon : You must read the final part of Standing Order 38 as following the first part. You cannot detach it and say that it also

governs rule 18. That is how I read it. The Honourable Member has taken the last part of Standing Order 38 which deals with the case when a Bill is introduced in this House and does not deal with the case when the Government has not introduced the Bill because it has used its right of publication in the Gazette.

Mr. President : It might help us to know from Government whether any directions have been issued by the President under Standing Order 12.

Mr. L. Graham (Secretary, Legislative Department) : I am under the impression that no directions have been issued by the President. The procedure followed in this case is what has been the custom of this House, that the Bill should be published in the Gazette and every effort made to make the Bill available to individual Members of the House. Copies were sent to all Honourable Members' addresses in Simla so far as Honourable Members had favoured us with those addresses.

Mr. President : I wonder if the Honourable the Law Member will kindly help the Chair in this matter.

The Honourable Mr. S. R. Das (Law Member) : I have not got the rule with me now to which the Honourable Member referred.....

Mr. President : Will Secretary pass the rules to the Honourable Member ?

The Honourable Mr. S. R. Das : It does not matter. I would only point this out, that the rule to which the Honourable Pandit Motilal Nehru referred is as regards the deposit of the notices under the direction of the President. I would only point out that that rule merely refers to notices and matters of that description with regard to which there is no provision for publication in the Gazette. The provision regarding the publication of a Bill in the Gazette makes it different from the publication of notices or the giving of notices to Members. I should have thought that the publication of the Bill in the Gazette is sufficient notice and does make the Bill available to Members which it does not in the case of a notice because there is no provision for publishing notices in the Gazette.

Mr. President : The Honourable the Leader of the Opposition says the words " made available " has a special meaning under Standing Order 12.

The Honourable Mr. S. R. Das : I know. That is what I was referring to. The Leader of the Opposition relies upon Standing Order 12 for the purpose of attaching a particular meaning to the words " made available " as regards Bills. But the way I look at it is this. Under Standing Order 12, Standing Order 12 really does not refer to making available a Bill for this reason, that when it speaks of making every effort to send to each Member a copy of every notice or other paper, it refers to other papers of the nature of notices, because there is no provision under which a notice can be published in the Gazette. There is provision by which Bills can be published in the Gazette. There must therefore be some difference between making a notice available to a Member and making a Bill available to a Member. That is

[Mr. S. R. Das.]

how I take it. That Standing Order 12 cannot be made use of for the purpose of giving a meaning to the words "made available" with reference to a Bill. The two things stand on quite a different footing. A notice cannot be published. There is no provision for publishing a notice and therefore every effort must be made to circulate a notice or papers of the nature of notices to every Member; whereas in the case of a Bill there is provision for publication in the Gazette which in itself amounts to making it available to Members. Therefore Standing Order 12 cannot be made use of for the purpose of interpreting the meaning of the words "made available" with regard to a Bill.

Pandit Motilal Nehru: May I say a few words in reply to the Honourable the Law Member?

Mr. President: This is not a matter which admits of reply.

Pandit Motilal Nehru: If you will permit a reply, Sir. (Mr. President assented.) It is quite evident to me, Sir, that the Honourable the Law Member committed himself to an opinion without looking at the rule and then when he looked at the rule he had to hold to that opinion. But what really is the meaning of this section is quite evident on the very face of it. Publication in the Gazette is not intended for the Members specially. It is intended for the general public. The Members who are specially concerned in this matter must get a special notice which is provided for in the Standing Orders. That will be made quite clear to you, Sir, if you refer to Standing Order 43. Both publication in the Gazette and copies being made available to Members are mentioned in this Standing Order. It runs:

"The Secretary shall cause every report of a Select Committee to be printed, and a copy of the report shall be made available for the use of every Member of the Assembly".

That is one thing. Then the next sentence is:

"The report with the amended Bill shall be published in the Gazette".

Now the two things are not the same. If one takes the place of the other what is the use of mentioning both these things here? The Honourable Member has put it just the other way about. It is because notices are not published, he says, in the Gazette, therefore a special provision is made for notices. It is more correct to say that because publication in the Gazette is not the kind of special notice in the case of Members that special provision has been made for such notice.

The Honourable Mr. J. Crerar: Sir, may I just make one observation with regard to what was said by the Honourable the Leader of the Opposition. He contended just now that publication in the Gazette was merely notice to the general public. I think that point of view must be modified in view of the fact that special copies of the Gazette are addressed to individual Members of this House as Members of this House and not as members of the general public.

Mr. President: This is a very difficult question as the Honourable the Law Member has pointed out and if I were to postpone the decision on this question, it would not be necessary to come to any decision and all difficulties would be over. For in that case, the consideration would stand

postponed to the next official day. But I do not propose to take that course. I propose to give my decision and take the fullest responsibility for it. There is absolutely no doubt that this motion cannot be made unless copies of the Bill have been made available to Honourable Members three days before to-day. The question is whether in this case copies of the Bill have been made available to Honourable Members three days before to-day. I am clearly of opinion that the publication of a Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the office to make copies available to Honourable Members. That expression has a special meaning attached to it by the Standing Orders, and in the absence of any directions by the President as to the manner in which a Bill is to be deposited and the place at which it is to be deposited —directions which should have been taken and carried out—I am afraid I must hold that the copies of the Bill have not been made available to Honourable Members three days prior to its consideration. I therefore rule that this motion cannot be made to-day unless the Standing Orders are suspended. As no request has been pressed in that behalf, it is not necessary for the Chair to consider that point.

THE INDIAN INSURANCE COMPANIES BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I rise to move that the Bill further to amend the Indian Life Assurance Companies Act, 1912, for certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Sir Purshotamdas Thakurdas, Sir James Simpson, Lala Lajpat Rai, Mr. H. G. Cocke, Mr. Jamnadas M. Mehta, Mr. G. D Birla and the Mover, with instructions to report on or before the 10th September 1928, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be five. I should like, Sir, with your permission, to add three more names of members who might be appointed to the Select Committee, namely, Mr. A. H. Ghuznavi, Mr. Nirmal Chunder Chunder and Mr. M. S. Sesha Ayyangar.

This Bill, Mr. President, is limited in its scope. It proposes to do two things and two things only—in the first place, to remove a defect in the law affecting life assurance companies, and in the second place, to provide for the collection of certain statistical information in respect of all classes of insurance business. The first of these objects is provided for in clause 3 of the Bill and the second in clauses 2, 7, 8 and 9. On the remaining fifteen clauses of the Bill I need not dwell, for, they are purely subsidiary and adjectival. The whole substance of the Bill is to be found in the five clauses I have mentioned.

I will take first clause 2 of the Bill, which provides for one of the two important objects. I have said that there is a defect in the existing law relating to life assurance in India, and I will endeavour to make it plain to the House what that defect is. Section 6 of the Indian Life Assurance Companies Act of 1912 provides that:

"The life insurance fund shall be as absolutely the security of the life policyholders as though it belonged to a company carrying on no other business than life assurance business and shall not be liable for any contracts of the company for

[Sir George Rainy.]

which it would not have been liable had the business of the company been only that of life assurance, and shall not be applied directly or indirectly for any purposes other than those of life assurance ".

It would have been difficult, I think, Sir, to express the intention of the law more emphatically than it is done in that section. It is clear as daylight that the intention of the Legislature was to provide the utmost possible security for the life policyholders, and for that purpose very emphatic language was used. It appears, however, that whatever the intentions of the Legislature may have been they have been frustrated and that in certain circumstances the law does not in fact provide that measure of security for the life policyholders which was undoubtedly intended. The circumstances in which the security fails is when a life assurance company goes into liquidation. When that happens the rules in the sixth Schedule to the Act would apply, and the liabilities and assets of the company would have to be valued in accordance with these rules. The result is that a considerable part of the life fund might be removed from the security of the life policyholders and devoted to other purposes. There is unquestionably, it appears, a defect which is common both to the Indian Act and to the British Statute upon which it was based. It was brought to notice about 18 months ago, I think, by the Board of Trade Committee which was examining the insurance law in the United Kingdom with a view to its consolidation and re-enactment. I think perhaps I can make the meaning plain to the House most clearly by taking concrete examples, and the first I shall mention is the one which the Board of Trade Committee had in view in their report. Let us suppose there is a composite company which is doing both life business and fire business. We will suppose that the life business is successful, and that large reserves have been built up in the life fund. On the other hand, we assume that the fire business has been unsuccessful, and that as a result of successive losses the company becomes insolvent and goes into liquidation. Now, under the law as it stands, the reserve assets of the life fund would apparently have to be used to pay the liabilities of the fire business and the assets which the life policyholders believed had been fully secured to them as the security for their policies would thus be diverted to another purpose. I mention that as one of the dangers which exists under the present law. But it is not, as far as I can discover, an imminent danger in India, and I fully admit that this danger in itself would not furnish any adequate reason for asking the Legislature to make an emergent change in the law. The immediate danger which we have to apprehend in India is something rather different. It occurs when a company is in liquidation, but not as in the case which I took as an illustration, an insolvent liquidation, but a solvent liquidation. Under the law, as it stands, there is apparently nothing to prevent the shareholders of a solvent and prosperous life assurance company putting it into voluntary liquidation. If they did so, then the rules in Schedule VI would at once apply, and the result would probably be that a large portion of the life fund, which was intended by the Legislature as the absolute security of the policyholders, would be lost to them and divided up amongst the shareholders. The information which has reached the Government of India has left no doubt in their minds that the danger is a real one and that it might, at any moment, become imminent. I can only imagine that ingenious per-

1 P. M. sons who had read the Board of Trade Committee's Report and had detected the loophole in the law, have set their wits to work in an effort to squeeze through it. I do not wish, Mr

President—and I hope that the House will not press me on the subject—to dwell on the evidence which satisfied the Government of India that precautions were necessary. Obviously, if I were pressed on that point, it would raise the question of individual companies and any statement made here might have effects which would be most unfair to these companies and do a great deal of harm. One thing, however, I think I ought to say very distinctly. It is not those who have been responsible in the past, or so far as I know, still are responsible for the management of the companies who have attempted to take advantage of the defect in the law. In so far as attempts have been made at all or are likely to be made, it is by persons who hope to obtain control, not by those who already possess the control. I think it is right, Sir, in the interests of the Indian insurance companies, against whom I am not saying a single word, that that should be made perfectly plain. And I would ask the House to take it from me that the Government of India did not act without very distinct information before them, that there was a danger, that the danger was real and that it might become imminent. It was for that reason that they decided to bring forward legislation on this subject during the present Session. I think, Sir, the House will agree that it would be a very serious matter indeed if any prosperous Indian insurance company were put into voluntary liquidation in the circumstances stated, and obviously the temptation to put the company into liquidation would be the stronger the more prosperous the company was. I am afraid that, if that took place, public confidence in life assurance generally would be most seriously shaken, and the cause of life assurance in India would receive a setback from which it would take years to recover. That certainly is the feeling of the Government of India and it is for that reason, as I have said, that they felt it necessary to legislate at once.

As regards the particular proposal embodied in clause 3 of the Bill, I may say that it follows closely the clause in the draft Bill prepared by the Board of Trade Committee in the United Kingdom. Broadly speaking, what is proposed is this, that, when a company is in liquidation, it must be ascertained in what proportion in previous years the profits have been divided between the shareholders and the policyholders, and unless the Judge sees fit to make any special direction, then any surplus profits ascertained in the liquidation will be divided in the same proportion. On the face of it that seems to me an equitable way of dealing with the matter and the recommendation of the Board of Trade Committee, we can be sure, has been the result of a very close consideration by a number of thoroughly competent people. I do not think it would be easy to devise a more equitable method of dealing with this particular difficulty.

As the House are aware, Mr. President, the question of the amendment of our insurance law has been under consideration for a considerable time. When the Government of India decided that this particular matter must be dealt with, they also considered whether any further substantive changes in the law should be made, and they came to the conclusion that so far as this Bill was concerned, it would be unwise to make any further changes in the substantive law which controls the operations of insurance companies. A number of proposals have been made for modifications, but they have not been included in this Bill. The Government of India felt that they were justified in asking the Legislature to take emergent steps to cure this particular defect in the law, but did not think they would be justified in asking the Legislature to pass as an emergent measure any far-reaching changes on that subject. Now, on this point the House will

[Sir George Rainy.]

naturally, Sir, ask me a question. If this is the one change which is emergent and if it is all included in clause 3, what are the other remaining 19 clauses doing in the Bill ? That is a perfectly fair question and I will do my best to answer it. All the other clauses are really part of a single scheme, namely, the collection of certain statistical information regarding insurance business. For some time past, as all Honourable Members are aware, there has been a persistent demand that insurance companies belonging to other countries, which carry on business in India, should disclose particulars of their Indian business. Now, Sir, that in itself seemed to the Government of India not an unreasonable demand. It is perfectly natural that people should want to know what is the character and the volume of the insurance business which is being carried on in India to-day. So far as the indigenous companies are concerned among the life insurance companies, that information is disclosed in the statistics that we publish every year. It is quite true that some of the Indian companies perhaps do a certain amount of business outside British India, but I should imagine that it is only a small portion of their business, and the figures that we publish give substantially the business which they are doing in British India. But as regards companies which are established in other countries, it is quite obvious in the case of an important British company, let us say, or of an important American company, that the total figures of the business they do all over the world can give us no idea at all of the amount of business they do in India. Therefore, as I say, it seemed to the Government of India that the demand for further information was in itself a reasonable one. But although that is so, it would not supply a reason for including provisions on the subject in a Bill which we are asking the Legislature to pass at the earliest possible date. The demand may be reasonable but in the ordinary course it might have waited for the general revision of the insurance law which is certainly impending. But there is a special reason why the Government of India thought it right to include these provisions about the collection of statistics in this Bill in order to give the Legislature an opportunity of considering whether steps ought not at once to be taken to obtain these statistics. The reason is this. As I have said, a general revision of our insurance law will quite certainly have to be passed before very long, and what was very forcibly impressed upon my mind during the hours I have devoted to studying the question is that we cannot legislate wisely unless we know the facts. There is a great deal of statistical information which Government ought to have and which the Legislature ought to have before we undertake a general revision of the insurance law. Perhaps I might be allowed to give one or two illustrations of this. One of the proposals made for the revision of the law is that all life companies operating in India should retain assets in India equal to some proportion of their liabilities. Now, I am not expressing any opinion at all about that proposal, but when it comes up for decision as to whether effect should be given to that proposal or not, it will be most important that we should know what the liabilities of the companies are and to what extent their assets are invested in India at present. Take another example. It has sometimes been said that the growth of indigenous life assurance companies is hampered by the competition of outside companies. Now, personally I find it very difficult to assess the value of that complaint unless I know what the relative volume of business transacted by the indigenous companies and by the external companies actually is. It may be that the indigenous companies are still transacting only a small proportion of the total amount of life business transacted in India. On the other hand, it may be that the indigenous companies already transact more than half the business actually carried on in India. At present we have estimates on that subject and we have guesses, but they are quite unsatisfactory as data and nobody is bound to accept any of them. It seemed to me, therefore, that, at any rate, as regards the amendment of the law relating to life assurance, it is very important that as soon as possible the Government of India and the Legislature should be in possession of statistics showing the character and the volume of the business which is actually transacted in India. The sooner we get it the sooner it will be possible to deal with the general question of the revision of the law.

Honourable Members will have observed that the Bill is divided into three parts. Part II includes certain amendments to be made in the Indian Life Assurance Companies Act and Part III is devoted to companies carrying on business other than life assurance business. At present the position is that the companies which do not do life assurance business are not subject to any special regulation beyond that to which they are subject under the Indian Companies Act. Although there are a number of clauses in this part of the Bill, they are all of them subsidiary to the proposals for the collection of statistics and they have been inserted for no other reason, that is to say, we are not in this Bill proposing to bring these companies under special control apart from the collection of statistics. If Honourable Members will read the actual clauses, they will see that with the exception of the ones which I have named at the beginning of my speech they all deal with quite unimportant and subsidiary matters although they are necessary for their own purpose.

Now, Sir, before I sit down, I want to say a single word as regards what I am sure is in the minds of a good many Members of this House. I quite recognise that in many quarters of this House there is a feeling that it is high time the law relating to life assurance was revised and brought up to date and that life assurance companies of all kinds were brought under control. I respect that feeling and I also share it to a very large extent. I do not think that we can safely postpone that amendment of the law very much longer, but I am satisfied, after giving this question all the attention I could give it, that for the present we cannot get on with that question and that we are not likely to be able to get on with it until the British Parliament has legislated on the basis of the Report of the Board of Trade Committee. I think it is right that I should say so much for the information of the House. I do not wish to argue the matter because that would be to travel outside the scope of the present Bill. That Bill, as I have already said at the outset of my speech, is limited in its scope. All that we propose to do is to correct a defect in the life assurance law which it has become very urgently necessary to correct, and to provide for the collection of certain statistical information which it is very necessary that we should possess before we undertake the general revision of the insurance law.

Sir, I move.

Mr. President : The question is:

"That the Bill further to amend the Indian Life Assurance Companies Act, 1912, for certain purposes, and to provide for the collection of statistical information

[Mr. President.]

in respect of insurance business other than life assurance business, be referred to a Select Committee consisting of Maulvi Muhammad Yakub, Sir Purshotamdas Thakurdas, Sir James Simpson, Lala Lajpat Rai, Mr. H. G. Cocke, Mr. Jamnadas M. Mehta, Mr. G. D. Birla, Mr. A. H. Ghuznavi, Mr. M. S. Seaha Ayyangar, Mr. Nirmal Chunder Chunder, and the Mover, with instructions to report on or before the 10th September, 1928, and that the number of Members whose presence shall be necessary to constitute a meeting of the Committee shall be five ".

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 8th September, 1928.

LEGISLATIVE ASSEMBLY.

Saturday, 8th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

INCREASE IN THE PAY AND PENSIONS OF GOVERNMENT PEONS AND MENIAL STAFF.

220. ***Mr. M. R. Jayakar :** (1) Have Government received a petition from an Association called the Government Peons' and Menial Service Union asking for improvement in the conditions of service applicable to this class of public servants ?

(2) If so, will Government be pleased to mention :—

(*a*) when they received this petition, and

(*b*) what action they have taken on it, particularly with respect to the demands of these men for increases in pay and pension ?

The Honourable Sir Bhupendra Nath Mitra : (1) Yes.

(2). (*a*) The petition was received on the 4th July, 1927.

(*b*) The requests made by the petitioners related to pay, pension, classification of their service as " superior " and admission to the General Provident Fund. The requests relating to pay are still under consideration. Those relating to pension and classification are being rejected pending a decision on proposals relating to inferior servants in general which are engaging the attention of the Government of India. The request to be admitted to the General Provident Fund is being rejected because the Government of India are not prepared to consider it in the absence of evidence of a corresponding desire among inferior servants in general.

CLERICAL ESTABLISHMENT OF THE DELHI COURTS.

221. ***Mr. Anwar-ul-Azim :** (1) (*a*) Is it a fact that in the District and Sessions Judge's Court, Delhi, the permanent pensionable posts in the clerical line are held by the Hindus and the Muslims in the ratio of 10 to 1 ; out of which Kayasths alone are six in number ?

(*b*) Is it a fact that in the clerical establishment of all the Civil Courts subordinate to the District Judge, Delhi, 42 permanent pensionable posts are held by the Hindus, and only ten by the Muslims, and one by a Christian ?

(2) If the above figures are not correct, will the Government be pleased to give the correct figures of the above clerical establishments ?

The Honourable Mr. J. Crerar : (1). (*a*) No. The posts are held by Hindus and Muslims in the ratio of 10 to 2, of which 5 posts are held by Kayasths.

(*b*) No. The number of permanent pensionable posts in the clerical establishment of all the civil courts, subordinate to the District Judge, Delhi, is 35, out of which 28 are held by Hindus, 6 by Muslims and one by a Christian.

(2) The correct figures are given above.

CLERKS OF COURTS AND READERS IN THE DISTRICT AND SENIOR SUB-JUDGES COURTS, DELHI.

222. ***Mr. Anwar-ul-Azim** : Is it a fact that the Clerk of the Court and the Reader to the District Judge, Delhi, are both Hindus ?

(*b*) Is it a fact that the Clerk of the Court and the Reader to the Senior Sub-Judge, Delhi, are both Hindus ?

(*c*) Do Government propose to consider the desirability of appointing one Muslim in each Court to either of the above posts ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) Yes.

(*c*) The appointments do not rest with Government but are made by the District Judge.

PERMANENT PENSIONABLE POSTS IN THE COURT OF THE SENIOR SUB-JUDGE, DELHI.

223. ***Mr. Anwar-ul-Azim** : Is it a fact that all the permanent pensionable posts in the Court of the Senior Sub-Judge, Delhi, are held by the Hindus ?

The Honourable Mr. J. Crerar : Yes.

NUMBER OF MUSLIMS IN THE ESTABLISHMENTS OF THE CIVIL COURTS IN THE DELHI PROVINCE.

224. ***Mr. Anwar-ul-Azim** : Do Government propose to issue instructions to make up the disparity of Muslims in the Civil Courts' establishment, Delhi Province, and for that purpose to suspend recruitment of either paid or unpaid Hindu candidates till Muslims secure a decent proportion ?

The Honourable Mr. J. Crerar : The Honourable Member will understand that the recruitment of office establishment cannot in cases of this kind be controlled in detail by Government. It must largely be left to the discretion of heads of offices. I am prepared, however, to bring the Honourable Member's question to the notice of the Chief Commissioner.

PERSONS IN THE CIVIL COURTS, DELHI, WHO SERVED IN THE GREAT WAR.

225. ***Mr. Anwar-ul-Azim** : (*a*) Will the Government be pleased to state as to how many of the present incumbents of the permanent pensionable posts in the Civil Courts, Delhi, have served :

(*i*) as combatants during the Great War,

(*ii*) as non-combatants at the base in S. and T. Corps ?

(*b*) The relations of how many of the present incumbents of permanent pensionable posts in the Civil Courts, Delhi, have been killed or wounded in action during the Great War ?

(*c*) Do Government propose to grant preferential treatment in the matter of appointments or promotions to those who actually fought or whose relations took part in the Great War in the District Judge's Court and in the Courts subordinate to the District Judge ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). The Civil Courts in Delhi are closed till the 10th September, 1928. The information will be obtained and supplied to the Honourable Member after that date.

(*c*) These appointments are not made by Government.

LOCATION OF THE WIRELESS BRANCH OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS IN DELHI, ETC.

226. ***Mr. Anwar-ul-Azim** : With reference to answers to starred questions Nos. 867, 481 and unstarred question No. 439, dated 5th September 1927, 19th March 1928 and 21st March 1928, respectively, will the Honourable Member in charge be pleased to state :

(*i*) what are the administrative and executive conveniences obtainable for the Wireless Branch by remaining in Simla which is not possible for the Branch to obtain if it migrated or was transferred to Delhi ;

(*ii*) when there is a saving of about Rs. 1,000 or so *per annum* by retaining 7 clerks only excluding 2 junior officers of the Wireless Branch in Simla, why the whole of the Director General, Post and Telegraph's camp office also is not retained in Simla in order to save thousands of rupees per annum ;

(*iii*) why the Wireless Branch clerks will not get the benefits in the shape of advance increment in their pay and bonus, etc., if they are required to be transferred to Delhi as was allowed to clerks of other branches of Director General's Office when transferred from Calcutta to Delhi ;

(*iv*) why the Wireless Branch cannot be migrated to Delhi along with the other branches of the Director General's camp office from the next Simla-Delhi move season or the whole Director General's camp office cannot be retained in Simla with junior officers ;

(*v*) whether any decision has yet been reached on the question of the future location of the headquarters of the Wireless Branch ; if so, what ; if not, why not and how long it will take ;

(*vi*) why the Director General's Office is not divided into two parts ($\frac{1}{4}$ and $\frac{3}{4}$) one, that is the migratory portion including the Wireless Branch with headquarters fixed in Simla and the other that is the non-migratory portion with headquarters fixed in Delhi except the Director General and the next senior officers with their camp clerks only moving between Simla and Delhi to avoid unnecessary expenses and disturbance in the work ?

Mr. P. G. Rogers : (*i*) The Director of Wireless is required to move with the Government of India between Delhi and Simla and has to spend a considerable part of the cold weather in touring. By having his office in Simla he is able to be in touch with it for a longer period than if it were in Delhi.

(*ii*) The Director-General's camp office is not retained in Simla because it is required in Delhi.

(*iii*) The clerks of the Wireless Branch who were originally recruited in Calcutta have already received compensation for their transfer from Calcutta. In the event of the Wireless Branch being transferred to Delhi, the question of suitable compensation would be considered.

(*iv*) The Wireless Branch cannot be moved to Delhi because it is more convenient to keep it in Simla ; the Director-General's camp office cannot be retained in Simla because it is required in Delhi.

(*v*) No. It is considered that no change in existing arrangements is desirable at present.

(*vi*) If the migratory portion had its headquarters fixed in Simla, it would cease to be migratory. The arrangement suggested by the Honourable Member is not feasible but some modification of the present system is under contemplation.

LOCATION OF THE WIRELESS BRANCH IN THE SAME BUILDING AS OTHER BRANCHES OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

227. ***Mr. Anwar-ul-Azim** : Will the Honourable Member in charge be pleased to state :

(*i*) why the Wireless Branch of the Director General, Post and Telegraph's Office is located in a separate building since the date of its formation—1920 ;

(*ii*) was the Public Works Department ever asked for the allotment of rooms for the location of the Wireless Branch in the same building in which other branches of the Director General's camp office are located ; if not, why not ;

(*iii*) whether the Wireless Branch on the whole is part of the migratory portion of the Director General's Office ; if not, why not ;

(*iv*) what are the additional expenses per annum by locating the Wireless Branch in a separate building ;

(*v*) why the Wireless Branch which is part of Director General's Office and not of the Telegraph or Telephone Offices is allowed to occupy rooms in the Central Telegraph Office building ?

Mr. P. G. Rogers : (*i*) Because sufficient accommodation for it was not available in the same building as the remainder of Director-General's Office.

(*ii*) No ; because it was considered unlikely that accommodation would be available.

(*iii*) No ; because the additional expenditure would not be justified.

(*iv*) None, so far as can be estimated.

(*v*) The Central Telegraph Office building is the property of the Posts and Telegraphs Department and is used in such manner as the Director-General thinks fit.

REPRESENTATION OF MUSLIMS IN THE WIRELESS DIVISIONAL OFFICES, ETC.

228. ***Mr. Anwar-ul-Azim** : With reference to the Honourable Mahmood Suhrawardy's question No. 83 answered by the Honourable Mr. A. C. McWatters on the 29th February 1928 in the Council of State, will Government be pleased to state the reason for the absence of Muslim clerks in the two Divisional Wireless Offices and the low percentage of Muslim employees at the wireless telegraphy stations ?

The Honourable Mr. A. C. McWatters : The clerks in the Wireless Divisional Offices have been recruited in various ways as required and the most suitable candidates were selected.

The staff of the wireless stations is largely composed of operators and higher grades promoted from the operator class. The majority of the operators have been selected from among those telegraphists who volunteered and the proportion of Muslim volunteers has been very small.

CIRCULATION TO POST AND TELEGRAPH OFFICIALS OF THE ORDERS OF THE GOVERNMENT OF INDIA CONTAINED IN HOME DEPARTMENT OFFICE MEMORANDUM NO. F.-176/25-ESTS., DATED THE 5TH FEBRUARY, 1926.

229. ***Mr. Anwar-ul-Azim** : With reference to the Honourable Mr. Mahmood Suhrawardy's question No. 82 answered by the Honourable Mr. A. C. McWatters on the 29th February 1928 in the Council of State, will Government be pleased to state why the orders of the Government of India contained in Home Department Office Memorandum No. F.-176|25-Ests., dated the 5th February 1926, was not strictly followed ?

The Honourable Mr. A. C. McWatters : The orders were circulated to post and telegraph officials by the Director-General in November last, and since then appointments are being made in accordance with them.

RATES OF PAY OF THE CLERICAL STAFF OF ATTACHED OFFICES LOCATED PERMANENTLY IN DELHI.

230. ***Mr. Anwar-ul-Azim** : With reference to my starred question No. 480 answered on the 19th March 1928, will Government be pleased to furnish :

(*a*) a clear interpretation of the first part of the reply which reads " AT PRESENT *WORKS* IN *SOME* RESPECTS *LIKE* AN ATTACHED OFFICE " ;

(*b*) the difference between the rates of pay of the clerical staff of the moving and non-moving attached offices of the Government of India :

(*c*) the names of the moving attached offices and non-moving attached offices of the Government of India, with the headquarters of the latter class ;

(*d*) if any attached office is required to be located permanently in Delhi, whether the rates of pay already sanctioned for the clerks should also be reduced and brought on to the rates of pay recently sanctioned for the clerks of the Director General, Posts and Telegraph's Office in order to equalize the scale of pay of the same class of employees ;

(*i*) if so, why ;

(*ii*) if not, why not ?

The Honourable Mr. A. C. McWatters : (*a*) The Honourable Member's attention is drawn to the second sentence of the reply given by the Honourable Sir Bhupendra Nath Mitra to his Starred Question No. 480 on the 19th March, 1928.

(*b*) The rates of pay vary according to the circumstances of each office. To collect the detailed information would involve an expenditure of time and labour which would not be justifiable.

(*c*) The list will be furnished to the Honourable Member.

(*d*) If the headquarters of an office are changed, its rates of pay will require reconsideration, but it is not possible to say beforehand what changes, if any, may be necessary in individual instances.

ESTABLISHMENT OF A GOVERNMENT GIRLS' HIGH SCHOOL IN PESHAWAR, ETC.

231. ***Lala Lajpat Rai** : (*a*) Have the Government received any memorial from the inhabitants of Peshawar praying for the establishment of a Government girls' high school in that city ? If so, what orders have been passed on that memorial ?

(*b*) Is there any provision in Peshawar for the education of girls on non-sectarian lines ? Do Government propose to make any provision for the purpose ?

(*c*) Is there any Government College in the North-West Frontier Province ? If not, do Government propose to consider the advisability of starting such an institution there ?

Mr. G. S. Bajpai : (*a*) The Chief Commissioner, North-West Frontier Province, received such a memorial. The memorialists were informed that a high school for girls is already in existence in Peshawar and that the number of girls in the high classes of that school and in the top classes of middle schools from which girls pass to the high classes is not sufficient to justify the establishment of another high school.

(*b*) Yes, up to the middle school stage. Government do not consider that at present any further provision is necessary.

(*c*) No. There is a Government training college, but no Government arts college. Government do not consider that there is any necessity at present to start a Government arts college in the North West Frontier Province.

Nawab Sir Sahibzada Abdul Qaiyum : Is it not a fact, Sir, that the Islamia College, Peshawar, which is aided by Government is open to all classes of the population of the North West Frontier Province, irrespective of caste and creed, that there is a large number of non-Muslim students

in the College, Hindus, Sikhs and Christians, that the Local Administration is fully represented on the management, that the Director of Public Instruction generally presides over the meetings of the Council of Management and that in fact the Islamia College is as good and as free and liberal in its constitution as any Government College in the country ?

Mr. G. S. Bajpai : The Honourable Member, Sir, being a prominent trustee of the College, is doubtless in a position to confirm or to deny what he has stated just now. I am quite prepared to accept the statement which he has made.

Lala Lajpat Rai : May I ask the Honourable Member if the Islamia College is more a political college than an arts college ?

Mr. G. S. Bajpai : That, Sir, is a question which I am unable to answer. Perhaps the Honourable the Foreign Secretary may wish to answer it.

Sir Denys Bray : No, Sir.

Nawab Sir Sahibzada Abdul Qaiyum : Are the Government aware that the results of that college, whether a political college or an arts college, are much better than those of several other colleges in the Punjab ?

Mr. G. S. Bajpai : I am not in a position, Sir, all at once to institute a comparison between the results achieved by the Islamia College at Peshawar and the Punjab colleges, but if the Honourable Member is anxious that a research may be undertaken into this question, I am quite prepared to undertake it.

Mr. K. Ahmed : Will the Honourable Member on behalf of the Government kindly say if there is any course of study in politics in the school or college ? If there is none, will my Honourable friend, the questioner, kindly enlighten the House ?

REPORT OF THE INDIAN SANDHURST COMMITTEE.

232. ***Mr. K. C. Roy** : Will Government be pleased to state what steps they have taken and what progress has been made in giving effect to Government's conclusions announced by His Excellency the Commander-in-Chief in this House on the 8th March 1928 on the Indian Sandhurst Committee Report ?

Mr. G. M. Young : The conclusions of Government are being carried into full effect forthwith as announced by His Excellency the Commander-in-Chief in this House last March : that is to say, 10 vacancies at Sandhurst, 3 at Woolwich and 6 at Cranwell will be offered to Indians who pass the second half-yearly examination of 1928. This examination will be held in Delhi in November. The syllabus of the new examination has been made widely known, and the manner in which applications should be submitted has also been widely notified. The rules to regulate the filling of 5 or more vacancies a year by selected Viceroy's commissioned officers are under preparation, and will be put into force simultaneously with the examination for direct appointments.

REPORT OF THE INDIAN SANDHURST COMMITTEE.

233. ***Mr. K. C. Roy** : Will Government be pleased to state what action, if any, has been taken on the Assembly's decision of the 10th

March last on Government decisions on the Indian Sandhurst Committee Report ?

Mr. G. M. Young : The only decision taken by the Assembly on the debate of March 10th was that the House do now adjourn. I understand that the Honourable Member is referring, however, to the general disapproval of Government's policy implied in the motion for adjournment on March 10th. Government considered very carefully the result of the debate, and also the individual criticisms made by Honourable Members in that and other debates on the subject : but decided not to modify their scheme of indianization in any essential respect.

IMPROVEMENT AND EXPANSION OF THE INDIAN TERRITORIAL AND AUXILIARY FORCES.

234. ***Mr. K. C. Roy** : Will Government be pleased to state what steps have been taken to give effect to the decisions of Government announced by the Commander-in-Chief on the recommendations of the Territorial and Auxiliary Forces Committee, and what further steps are contemplated in the direction of improving and expanding both the Forces in India ?

Mr. G. M. Young : I would refer the Honourable Member to the Army Department notification No. 1055, dated the 20th August 1927. Orders have been issued to carry out the increased training for four selected units of the Indian Territorial Force and the attachment of officers of those units to regular units of the Army. A permanent Indian staff is being provided for those four units and eleven others. Units of the University Training Corps have been raised at Nagpur, Karachi and Dacca, and the Delhi unit has been expanded. The Sapper and Miner Section of the Burma Battalion will be formed this month. The remaining items in the programme could not be given effect to until the Indian Territorial Force (Amendment) Act, 1928, and the amended Rules under that Act came into force on September 1st. Orders have been issued since that date creating the 4 urban units, and constituting Central, Provincial and Unit Advisory Committees. The only item outstanding concerns the grant of a higher form of commission to selected officers, and orders on this will, I hope, issue very shortly.

As regards the second part of the question it is too early to say at present what further steps will be taken or what extra provision, if any, will be made in the Budget for 1929-30.

QUESTION REGARDING THE HIGHER ADMINISTRATION AND INDIANISATION OF THE ARMY IN INDIA COMING WITHIN THE SCOPE OF ENQUIRY BY THE INDIAN STATUTORY COMMISSION.

235. ***Mr. K. C. Roy** : Will Government be pleased to state whether the question of the higher administration and the Indianisation of the Army in India will come within the scope of the enquiry by the Statutory Commission ?

The Honourable Mr. J. Crerar : The attention of the Honourable Member is drawn to the terms of the Royal Warrant appointing the Commission and the invitation to submit memoranda issued by the Statutory Commission with its appendix. The scope of the enquiry is a matter for the Commission to decide, having regard to its terms of reference.

APPLICATION OF THE CIVIL SERVICE REGULATIONS TO THE PROTECTOR OF PILGRIMS, KARACHI.

236. ***Haji Abdoola Haroon** : (*a*) With reference to the Government reply on 31st January 1927 to my starred question No. 112 (8) appearing at page 201 of the Legislative Assembly Debates, Vol. IX, No. 8, will Government be pleased to state whether the Civil Service Regulations apply to the Protector of Pilgrims, Karachi ?

(*b*) If the reply to the above is in the affirmative, do those regulations permit the present Protector of Pilgrims to continue in service when his age is about 60 years ?

Mr. G. S. Bajpai : (*a*)—(*b*). The Honourable Member is presumably referring to those provisions of the Civil Service Regulations that relate to superannuation. But the appointment of the present Protector of Pilgrims is temporary and non-pensianble and the question of retiring him under the Civil Service Regulations does not therefore arise. Government can retain him in service so long as he is able to discharge his duties efficiently.

HAJ COMMITTEES AT BOMBAY AND KARACHI.

237. ***Haji Abdoola Haroon** : Will Government be pleased to furnish the following information regarding Haj Committees at Karachi and Bombay, respectively :

(*a*) the duties, powers and responsibilities of the members of the Haj Committees at Karachi and Bombay ?

(*b*) By what rules and regulations are the appointments of the Protectors of Pilgrims made both at Karachi and Bombay ?

(*c*) Whether the Haj Committees at Karachi and Bombay are consulted by the appointing authority while appointing the Protectors of Pilgrims ?

Mr. G. S. Bajpai : (*a*) The Haj Committees at Bombay and Karachi are intended to render assistance to pilgrims ; they also function as consultative bodies.

(*b*) Protectors of Pilgrims, Bombay and Karachi, are appointed by the Local Government under section 8 of the Bombay Act II of 1887 as amended by Bombay Act V of 1915.

(*c*) Enquiries have been made from the Local Government.

Mr. K. Ahmed : Is there any report made by the Assistant to the Pilgrims on the subject of the grievances and complaints made by the pilgrims, and what steps have Government taken on that report ?

Mr. G. S. Bajpai : I do not know who the Assistant to Pilgrims is. The Honourable Member presumably means the Protector of Pilgrims. He assumes that the Protector of Pilgrims has to forward to Government day by day a catalogue of complaints. As a matter of fact the function of the Protector is to redress complaints and not to refer them to the Government of India.

Mr. K. Ahmed : What redress has been made by him ? Has the Honourable Member's Department checked the number of complaints and grievances raised by the pilgrims about which questions have already been put in this Assembly ?

Mr. G. S. Bajpai : If the Department to which I have the honour to belong were to devote itself to the checking of complaints sent in by pilgrims we should have to employ Secretaries by the hundred and staff by the million.

Mr. K. Ahmed : Does the Honourable Member realize that the Member in charge of the Department of which he is the Secretary stated in his presence in this Assembly the other day that there were a number of complaints of inconveniences for the last two years felt by pilgrims going to and coming from Mecca, and for that reason a Committee is going to be formed, which the Honourable Member in charge has virtually accepted ?

Mr. G. S. Bajpai : I congratulate the Honourable Member on his memory of recent events.

(1) DEVELOPMENT OF CIVIL AND COMMERCIAL AVIATION IN INDIA (2) AIR MAIL SERVICE FROM CAIRO TO KARACHI.

238. ***Colonel J. D. Crawford** : Will the Government be pleased to make a full statement regarding the steps that have been taken to assist the development of civil and commercial aviation in India with particular reference to the extension throughout India of the projected scheme for an air mail service from Cairo to Karachi ?

The Honourable Mr. A. C. McWatters : I am afraid that it is not possible for me, within the limits of an answer to a question, to make a statement of the kind desired by the Honourable and gallant Member. I shall be glad to furnish him with such information as I can regarding any particular measures taken in the last year or two and would add that the question of the development of air mail routes in India has been recently examined by the Standing Advisory Committee attached to the Department of Industries and Labour.

Colonel J. D. Crawford : Can the Honourable Member give me any information as to what steps have been taken to improve the ground organization against the possibility of air lines to India being started ?

The Honourable Mr. A. C. McWatters : If the Honourable Member will ask me that question in private I will give him full details. But we have spent a good deal of money in the direction of improving grounds, for instance, in bringing up the aerodrome at Dum Dum to a state fit for use all the year round and in proceeding with subsidiary aerodromes.

Mr. Ghanshyam Das Birla : May I know when it is expected that tenders will be invited for carrying on civil aviation ?

The Honourable Mr. A. C. McWatters : I am afraid I cannot give the Honourable Member details. We discussed the whole subject yesterday with our Standing Advisory Committee and we hope that some progress will very soon be made.

Kumar Ganganand Sinha : May I know why the Honourable Member cannot give the answer in this House ?

The Honourable Mr. A. C. McWatters : The reason is that the proposals discussed with the Standing Advisory Committee will have to go before the Standing Finance Committee, which we hope it will do in the course of this Session.

Mr. Ghanshyam Das Birla : May I have the approximate date ?

The Honourable Mr. A. C. McWatters : That will depend entirely on the decision of the Standing Finance Committee.

Mr. N. M. Joshi : Are Indians being trained in aviation ?

The Honourable Mr. A. C. McWatters : I do not know whether that arises ; there is another question on the paper to which I shall be replying. The answer is in the affirmative. We have a number of Indians in training in England.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member inform the House whether it is a fact that there is not a single aerodrome in India that is capable of being used during the monsoon ?

The Honourable Mr. A. C. McWatters : I very much doubt if that statement is correct. In any case, as I have just told the Honourable Colonel Crawford, we are making the Dum Dum aerodrome an all-weather aerodrome and are spending something like 2½ lakhs on that.

Mr. M. S. Aney : When do Government propose to summon a meeting of the Standing Finance Committee ?

The Honourable Mr. A. C. McWatters : That does not rest with me but with the Honourable the Finance Member.

The Honourable Sir Bhupendra Nath Mitra : It is the intention to hold a supplementary meeting of the Standing Finance Committee this Session if it is possible to collect the members for that purpose.

Mr. Ghanshyam Das Birla : May I know, Sir, if this matter will be brought up before the next meeting of the Standing Finance Committee ?

The Honourable Sir Bhupendra Nath Mitra : I understood from my Honourable colleague that that was his intention.

The Honourable Mr. A. C. McWatters : That is the intention. We have arrived at agreement in our own Advisory Committee and we now propose to approach the other Committee, the Standing Finance Committee.

Mr. Ghanshyam Das Birla : May I inquire if the condition will be stipulated with firms tendering and undertaking to run civil aviation lines that the service will be Indianized in a certain period of time ?

The Honourable Mr. A. C. McWatters : The discussions in the Standing Advisory Committee did deal with the subject of training of Indians and Indianization.

APPOINTMENTS MADE TO CERTAIN SUPERIOR SERVICES BY NOMINATION SINCE THE INSTITUTION OF COMPETITIVE EXAMINATIONS IN INDIA.

239. ***Revd. J. C. Chatterjee** : (*a*) Will Government be pleased to state, how many posts, in the Imperial Forest Service, the Indian Police, and the Superior Services of Indian State Railways, have been filled by nomination, since the institution in India of competitive examinations for admission to these services ?

(*b*) Will Government be pleased to state, how many Indian Christians have been nominated to these Services, during the period, named in (*a*) above ?

The Honourable Mr. J. Crerar : (*a*) Indian Forest Service 1

Indian Police Service 13

Indian Railway Service of Engineers and the Superior Revenue Establishment of State Railways. 14†

(*b*) Indian Forest Service .. .. .. *Nil.*

Indian Police Service 1

Indian Railway Service of Engineers and the Superior Revenue Establishment of State Railways. 2

NOMINATIONS TO THE INDIAN CIVIL SERVICE IN 1928.

240. ***Revd. J. C. Chatterjee** : (*a*) Will Government be pleased to state, the names, religion, position on the list and the total number of marks, obtained by the five Indian candidates, appointed to the Indian Civil Service by nomination, on the result of the last competitive examination held in India for admission to that Service ?

(*b*) Will Government be pleased to state, the place on the list and the total number of marks secured by Mr. S. M. Burke, an Indian Christian candidate for the last competitive examination, for admission to the Indian Civil Service ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). A statement containing the information required by the Honourable Member is being placed in the Library.

The Revd. J. C. Chatterjee : Will Government be pleased to state whether any consideration, other than communal, guides the choice of the Government in making nominations to these services ?

The Honourable Mr. J. Crerar : The main consideration is that of efficiency.

APPOINTMENT OF INDIAN CHRISTIANS TO THE SUPERIOR PUBLIC SERVICES.

241. ***Revd. J. C. Chatterjee** : (*a*) Is it a fact that a certain proportion of appointments in the Superior Public Services, are filled by nomination by the Governor-General, in order that adequate representation may be secured for the minority communities ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to bear in mind the claims of the Indian Christian community, which is the third largest community in India, from the point of view of numbers ?

The Honourable Mr. J. Crerar : (*a*) Recourse is had to appointment by nomination if it is necessary to prevent any undue preponderance of particular communities.

(*b*) On more than one occasion Indian Christians have been appointed by nomination to the Superior Services, and I do not think that the community has any cause to consider itself neglected.

The Revd. J. C. Chatterjee: Have any Indian Christians been nominated by nomination to the Indian Civil Service ?

Mr. President : Persons can be nominated only by nomination.

†Excludes recruitment in England.

EMPLOYMENT OF MR. B. K. SINGH IN THE DEPARTMENT OF CIVIL AVIATION.

242. ***Dr. B. S. Moonje** : 1. Has the attention of the Government been drawn to the leaderette " Indians in Civil Aviation " appearing in the *Amrita Bazar Patrika* in its issue of Thursday, 12th July, 1928, Dak Edition ?

2. If so, will the Government be pleased to make enquiries and let the House know if it is a fact :

(*a*) That Mr. B. K. Singh, a Bengali gentleman of a respectable family of the District of Hughly, served in the Great War as a member of the Indian Volunteer Corps.

(*b*) That he served for two years in the Aeroplane Department of Messrs. Vickers Ltd., Crayford Works.

(*c*) That he was elected an Associate Member of the Royal Aeronautical Society of Great Britain in 1918.

(*d*) That he has completed the course and passed the examination as " Aero-rigger and Mechanic " from the School of Aeronautics and Engineering, Sheffield, and also passed the examination of the Society of Engineers in Aero-Engineering and the examination of the Mechanical Engineering of the British Society of Engineers, Sheffield.

(*e*) That he applied several times for a suitable post in the Department of Civil Aviation of the Government of India and if so with what result ?

3. Do Government propose to employ the services of the said Mr. Singh in the Department of Civil Aviation ?

The Honourable Mr. A. C. McWatters : 1. Yes.

2. The Government of India have been unable to trace any application from Mr. Singh for a post in the Civil Aviation Department, and they do not propose to conduct an inquiry into Mr. Singh's qualifications.

3. The answer is in the negative.

ESTABLISHMENT OF A BOARD OF INTERMEDIATE AND SECONDARY EDUCATION FOR RAJPUTANA AND AJMER-MERWARA.

243. ***Rai Sahib Harbilas Sarda** : (*a*) Do Government propose to establish a Board of Intermediate and Secondary Education for Rajputana and Ajmer-Merwara ?

(*b*) If so, when will it begin to function ?

(*c*) Is the personnel of the Board settled ? If so, will the public be represented on the Board, and what form do Government propose to give to that representation ? Do Government propose to include the representatives of the public of Ajmer-Merwara on the Board, as is the case with the United Provinces Board of Intermediate and Secondary Education ?

Sir Denys Bray : (*a*) Government have under consideration a proposal for the formation of a joint Board of High School and Intermediate Education for Rajputana (including Ajmer-Merwara), Central India and Gwalior.

(*b*) and (*c*). The scheme, though accepted in principle, has not yet sufficiently materialised for me to make any statement on it.

The Honourable Mr. J. Crerar : (*a*) Indian Forest Service 1

Indian Police Service 13

Indian Railway Service of Engineers and the Superior Revenue Establishment of State Railways. 14†

(*b*) Indian Forest Service .. .. .. *Nil.*

Indian Police Service 1

Indian Railway Service of Engineers and the Superior Revenue Establishment of State Railways. 2

NOMINATIONS TO THE INDIAN CIVIL SERVICE IN 1928.

240. ***Revd. J. C. Chatterjee** : (*a*) Will Government be pleased to state, the names, religion, position on the list and the total number of marks, obtained by the five Indian candidates, appointed to the Indian Civil Service by nomination, on the result of the last competitive examination held in India for admission to that Service ?

(*b*) Will Government be pleased to state, the place on the list and the total number of marks secured by Mr. S. M. Burke, an Indian Christian candidate for the last competitive examination, for admission to the Indian Civil Service ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). A statement containing the information required by the Honourable Member is being placed in the Library.

The Revd. J. C. Chatterjee : Will Government be pleased to state whether any consideration, other than communal, guides the choice of the Government in making nominations to these services ?

The Honourable Mr. J. Crerar : The main consideration is that of efficiency.

APPOINTMENT OF INDIAN CHRISTIANS TO THE SUPERIOR PUBLIC SERVICES.

241. ***Revd. J. C. Chatterjee** : (*a*) Is it a fact that a certain proportion of appointments in the Superior Public Services, are filled by nomination by the Governor-General, in order that adequate representation may be secured for the minority communities ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to bear in mind the claims of the Indian Christian community, which is the third largest community in India, from the point of view of numbers ?

The Honourable Mr. J. Crerar : (*a*) Recourse is had to appointment by nomination if it is necessary to prevent any undue preponderance of particular communities.

(*b*) On more than one occasion Indian Christians have been appointed by nomination to the Superior Services, and I do not think that the community has any cause to consider itself neglected.

The Revd. J. C. Chatterjee : Have any Indian Christians been nominated by nomination to the Indian Civil Service ?

Mr. President : Persons can be nominated only by nomination.

†Excludes recruitment in England.

EMPLOYMENT OF MR. B. K. SINGH IN THE DEPARTMENT OF CIVIL AVIATION.

242. ***Dr. B. S. Moonje** : 1. Has the attention of the Government been drawn to the leaderette " Indians in Civil Aviation " appearing in the *Amrita Bazar Patrika* in its issue of Thursday, 12th July, 1928, Dak Edition ?

2. If so, will the Government be pleased to make enquiries and let the House know if it is a fact :

(*a*) That Mr. B. K. Singh, a Bengali gentleman of a respectable family of the District of Hughly, served in the Great War as a member of the Indian Volunteer Corps.

(*b*) That he served for two years in the Aeroplane Department of Messrs. Vickers Ltd., Crayford Works.

(*c*) That he was elected an Associate Member of the Royal Aeronautical Society of Great Britain in 1918.

(*d*) That he has completed the course and passed the examination as " Aero-rigger and Mechanic " from the School of Aeronautics and Engineering, Sheffield, and also passed the examination of the Society of Engineers in Aero-Engineering and the examination of the Mechanical Engineering of the British Society of Engineers, Sheffield.

(*e*) That he applied several times for a suitable post in the Department of Civil Aviation of the Government of India and if so with what result ?

3. Do Government propose to employ the services of the said Mr. Singh in the Department of Civil Aviation ?

The Honourable Mr. A. C. McWatters : 1. Yes.

2. The Government of India have been unable to trace any application from Mr. Singh for a post in the Civil Aviation Department, and they do not propose to conduct an inquiry into Mr. Singh's qualifications.

3. The answer is in the negative.

ESTABLISHMENT OF A BOARD OF INTERMEDIATE AND SECONDARY EDUCATION FOR RAJPUTANA AND AJMER-MERWARA.

243. ***Rai Sahib Harbilas Sarda** : (*a*) Do Government propose to establish a Board of Intermediate and Secondary Education for Rajputana and Ajmer-Merwara ?

(*b*) If so, when will it begin to function ?

(*c*) Is the personnel of the Board settled ? If so, will the public be represented on the Board, and what form do Government propose to give to that representation ? Do Government propose to include the representatives of the public of Ajmer-Merwara on the Board, as is the case with the United Provinces Board of Intermediate and Secondary Education ?

Sir Denys Bray : (*a*) Government have under consideration a proposal for the formation of a joint Board of High School and Intermediate Education for Rajputana (including Ajmer-Merwara), Central India and Gwalior.

(*b*) and (*c*). The scheme, though accepted in principle, has not yet sufficiently materialised for me to make any statement on it.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE REGARDING DEVELOPMENT OF AGRICULTURE IN AJMER-MERWARA.

244. ***Rai Sahib Harbilas Sarda**: (*a*) Has the attention of the Government been drawn to the following recommendations made by the Royal Agricultural Commission in its report issued recently ?

(Page 659) " Ajmer-Merwara in consideration of its long history of famines, should in our view receive special consideration and might well be made a model both in Agricultural and Veterinary matters, to the States of Rajputana by which it is surrounded ".

(P. 661) " In Ajmer-Merwara a Deputy Director, with special experience of live-stock or dairying or preferably both would seem to be required."

(P. 572) " We are of opinion that Ajmer-Merwara should have a definite agricultural organization ".

(*b*) Will Government be pleased to state what action Government propose to take on the above recommendations, and when ?

Mr. G. S. Bajpai: (*a*) Yes.

(*b*) The recommendations are under the consideration of Government.

REVISION OF THE PAY OF THE SUB-JUDGE, AJMER, AND THE CITY MAGISTRATE, AJMER.

245. ***Rai Sahib Harbilas Sarda**: (*a*) Is it a fact that when the recommendation of the Local Government of Ajmer-Merwara to increase the salaries of the Additional District and Sessions Judge for that province was placed before the Standing Finance Committee of the Indian Legislature in August 1927, the Committee agreed to the proposed increase on the clear understanding that the question of the adequacy or otherwise of the pay of the Subordinate Civil and Criminal Courts whose appeals were submitted direct to the Additional District and Sessions Judge would also be considered ?

(*b*) Will Government state if in pursuance of this decision of the Standing Finance Committee, the Local Government of Ajmer-Merwara was asked to consider the adequacy of the salaries of the subordinate courts concerned, and if so, what action has been taken with regard to the revision of the salaries of the Sub-Judge, Ajmer, and the City Magistrate, Ajmer ?

Sir Denys Bray: (*a*) Yes, Sir.

(*b*) The proposals of the Chief Commissioner have just been received and are now under consideration.

THE INTERNATIONAL INSTITUTE OF AGRICULTURE, ROME.

246. ***Rai Sahib Harbilas Sarda**: (*a*) Is it a fact that India pays an annual subscription of £800 towards the expenses of the International Institute of Agriculture at Rome ?

(*b*) Is India entitled to nominate a member to the permanent Committee of the Institute ?

(*c*) Is it a fact that no such member is now appointed and that the British representative on the permanent Committee is in charge of the interests of India ?

(*d*) Is it also a fact that the Royal Commission on Agriculture is of opinion that " No one representative would be in a position to deal with the vast quantity of technical information which the Institute has collected ?

(*e*) Will Government be pleased to lay on the table of the House a statement of what the British representative has done during the last three years for the benefit of agriculture in India ?

(*f*) Do Government, in view of measures to be taken for the improvement of agriculture in India as recommended by the Royal Commission on Agriculture, propose to appoint a whole time member of the Permanent Committee of the Institute to give India, the full benefit of the research and technical work done by the Institute ?

(*g*) If not, will Government give this House an idea of the return India is getting for its annual contribution of £800 ?

Mr. G. S. Bajpai: (*a*) to (*d*). Yes.

(*e*) and (*g*). A note giving the information required has been laid on the table of the House.

(*f*) Not at present.

The British representative on the Permanent Committee of the International Institute of Agriculture, Rome, has played an important part in shaping the general policy of the Institute. This has also benefited India since the activities of the Institute have been directed towards collection of information which has proved of great value to India. Attention is invited in this connection to paragraph 578 of the Report of the Royal Commission on Agriculture. To mention only one example, valuable information has been collected in regard to legislation on agricultural subjects and on rural matters generally undertaken in other countries. The British representative has also been instrumental in getting the Institute to establish a separate Bureau of Tropical and Colonial Agriculture which has greatly enhanced the usefulness of the Institute to India.

CONTRIBUTION BY THE GOVERNMENT OF INDIA TO THE IMPERIAL INSTITUTE LONDON.

247. ***Rai Sahib Harbilas Sarda**: Is it a fact that the Government of India contributes £1,200 annually to the funds of the Imperial Institute, London ?

The Honourable Mr. A. C. McWatters: The answer is in the affirmative.

FLOODING OF THE RAILWAY QUARTERS AT MORADABAD.

248. ***Maulvi Muhammad Yakub**: (*a*) Is it a fact that railway quarters at Moradabad were overflooded during the rains in July last ?

(*b*) Is it also a fact that one of the railway employees living in the quarters was swept away and died ?

(*c*) What steps, if any, were taken by the Government to avoid overflooding of the quarters ?

(*d*) Was any compensation given by the Railway to the family of the person who was swept away during the flood ?

Mr. A. A. L. Parsons: Government have received no report of any such occurrence. We are sending a copy of the Honourable Member's question to the Agent of the East Indian Railway, so that he can look into the question whether any action is required at Moradabad, and whether any compensation is warranted.

Maulvi Muhammad Yakub: Did the Railway Board take any action in this matter after receiving notice of my question ?

Mr. A. A. L. Parsons : I think that we have already sent a copy of the Honourable Member's question to the Agent of the East Indian Railway.

CASE OF EAILWAY DRIVERS WHO HAD PASSED THEIR EXAMINATIONS AT THE CHANDAUSI RAILWAY TRAINING SCHOOL.

249. ***Maulvi Muhammad Yakub** : Is it a fact that certain railway drivers who had passed their examinations at the Chandausi Railway Training School were re-examined by the Staff Inspector at Moradabad only about a week after they had come out successful from the Chandausi School, and, having been declared as unqualified, their promotions were stopped ?

Mr. A. A. L. Parsons: The answer is in the negative. Actually after 7 drivers had returned to duty in the Moradabad Division from a course of training at Chandausi, an enquiry was received by the Divisional Superintendent whether he had any drivers whom he could recommend for the passenger service, and the Staff Inspector (Power) recommended 5 men out of 16 so far tested. But there was no question of declaring any one unqualified or of stopping any one's promotion. On the Moradabad Division there is no such thing as special pay for passenger drivers.

Mr. B. Das : Do I understand that these five drivers chosen by the Staff Inspector were chosen from passed students of the Chandausi School?

Mr. A. A. L. Parsons : They were not chosen only from passed students of the Chandausi School, but I believe one man who was chosen had either passed the examination, or was subsequently found to have passed. The selection was made from all drivers in the Moradabad Division for there was certainly no idea of depriving any driver who had had no opportunity of going to the Chandausi School of a chance of selection.

Mr. B. Das : Will Government see their way to securing drivers who have passed from the Chandausi School ?

Mr. A. A. L. Parsons: Certainly not. The qualifications for passenger train drivers do not depend entirely on their having passed the course in the Chandausi School. The authorities have to choose the best qualified men available, since the safety of the public has to be considered.

HANDING OVER OF THE LAL BUNGALOW IN DELHI TO A CHRISTIAN CLUB FOR RECREATION PURPOSES.

250. ***Maulvi Muhammad Yakub** : Is it a fact that the Lal Bungalow, a mausoleum of Prince Jahangir, son of the Emperor Akbar the II, and other Princes and Princesses of the Moghul Dynasty, which lies outside Delhi on the way to the mausoleum of Hazrat Nizam Uddin Oulia, and which is one of the buildings protected under the Old Monuments Act, has been handed over to some Christian Club to be used by them for recreation purposes ? Is it also a fact that the stone monuments of two graves inside the bungalow have been removed from their places ? If so, do Government propose to put a stop to this act of disrespect to the dead, which has created a great deal of agitation amongst the Musalmans of Delhi, by taking the building from the Christian Club and handing it over to the association (" Auqaful Musalmin ") of the Muslim Trust at Delhi ?

Mr. G. S. Bajpai : Government are inquiring into the matter and hope to communicate the result to the Honourable Member as soon as possible.

The Revd. J. C. Chatterjee : Has the New Delhi Golf Club got something particularly Christian about it ?

Mr. G. S. Bajpai : That is a question which might be addressed to my Honourable friend opposite.

REMARKS MADE BY THE HONOURABLE MR. JUSTICE COURTNEY TERRELL, CHIEF JUSTICE OF THE HIGH COURT, PATNA, IN CRIMINAL APPEAL NO. 23 OF 1928.

251. ***Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the following remark made by Mr. Courtney Terrell, Chief Justice of the Patna High Court, in Criminal Appeal No. 23 of 1928, decided on the 16th May 1928, and reproduced by the *Searchlight* of Patna, dated the 1st August, 1928 :

" But it appears from what we know of the former case that it was not a case of any great magnitude ; and having regard to the habits of the people in this particular part of the world, where the giving of false evidence, however deplorable it may be, is not considered an offence, which is fatal to a man's reputation, to say the least of it, I do not think that much importance need be placed on that fact " ?

(*b*) Do Government propose to take necessary steps either to have the remark withdrawn, or to remove Mr. Courtney Terrell from his office ?

The Honourable Mr. J. Crerar : (*a*) Government have seen the article in question.

(*b*) No.

Pandit Motilal Nehru : Do Government approve or disapprove of the remark set out in this question ?

The Honourable Mr. J. Crerar : I think that the Honourable gentleman is asking me to express an opinion regarding the conduct of a Judge in a court of law in the exercise of his judicial functions.

Pandit Motilal Nehru : I am asking a question about a fact. Do the Government approve or disapprove of the remark in question ?

The Honourable Mr. J. Crerar : An expression of approval or disapproval would necessarily be an expression of opinion.

Pandit Motilal Nehru : Is there no truth in the statement made by the *Searchlight* regarding the matter ?

The Honourable Mr. J. Crerar : I can only refer the Honourable Member to the answer given by me. It is impossible for me to express either approval or disapproval of the remark, as I am precluded from doing so by the rules of procedure.

Pandit Motilal Nehru : Will the Government be pleased to state whether it is any part of the duty of the Government to enquire what foundation there is for the remark of Mr. Justice Courtney Terrell ?

The Honourable Mr. J. Crerar : I do not think it is part of the duty of Government to enquire into a statement made by a Judge of the High Court in the discharge of his functions.

Pandit Motilal Nehru : Is a Judge of a High Court then above the law ? Is he not bound by the law he administers ? Is it not the duty of the Government to take notice of the conduct of a Judge, if necessary ?

The Honourable Mr. J. Crerar : I am not prepared to add to the answer I have already given.

Lala Lajpat Rai : Is Government aware that the remark passed has caused great discontent among the people of India, and is it not the duty of Government to remove that impression ?

The Honourable Mr. J. Crerar : Government do not see any reason to interfere in the matter.

Mr. Gaya Prasad Singh : I should like to know what objection Government have to referring the matter through the proper channel.

The Honourable Mr. J. Crerar : I can only recapitulate what I have already said. The Government of India would not be acting properly in interfering in the manner suggested by the Honourable Member.

Sir Hari Singh Gour: Is the Honourable the Home Member precluded by any rule from expressing his disapproval of these remarks made by Mr. Justice Terrell ? Is the Honourable the Home Member aware that the late Prime Minister of England, Mr. Ramsay Macdonald, castigated Mr. Justice McCardie in connection with certain observations he made in the discharge of his duties as a Judge ? He said that that would completely satisfy the people that the British Cabinet entirely dissociated themselves from the remark made by that learned Judge. Now I ask, is the Honourable the Home Member prepared to follow that precedent in this case or not ?

The Honourable Mr. J. Crerar : The purport of the Honourable Member's question is to invite me to pass an opinion involving a reflection upon the conduct of a court of law in the exercise of its judicial functions. I have already pointed out that under Standing Order 29, I am precluded from doing so.

Mr. B. Das : Is it a fact that Mr. Justice Terrell formed his opinion of the people of this part of the world by reading a copy of Miss Mayo's Book, " Mother India " during his voyage to India, and also by his association with the police officials at Patna ?

Mr. Gaya Prasad Singh : May I ask one supplementary question, Sir? Are Government aware of the fact that since Mr. Justice Terrell assumed charge of his office, which was on the 1st of April, a very significant date, the people are fast losing confidence in his judicial administration ?

Mr. President : Order, order. No ironical criticisms are permissible.

Mr. Gaya Prasad Singh : I am asking a question, Sir, whether it is not a fact that the people are fast losing confidence in Mr. Justice Terrell and in his administration of justice ?

The Honourable Mr. J. Crerar : May I enquire, Sir, whether that question is in order in view of Standing Order 29 ?

Sir Hari Singh Gour: Is the Honourable Member prepared to examine ..... (Order, order.)

Mr. Gaya Prasad Singh : A point of order has been raised.

Mr. President : The Honourable Member's question is whether the Government are aware that the people of India, especially the people of that province, have lost confidence in a particular Judge. I think that question is perfectly in order.

The Honourable Mr. J. Crerar : I have seen a number of comments in the Press with regard to this judgment, but I am not prepared to infer from them that the consequence which the Honourable Member has suggested has eventuated

Sir Purshotamdas Thakurdas : Do Government realise that the people of India construe these remarks of the Honourable Judge as defamation of the people of India. (Hear, hear and Applause.)

The Honourable Mr. J. Crerar: I have already explained that I have seen many comments to that effect in the Press, but I am not in a better position than the Honourable Member to draw any inference from them.

Sir Purshotamdas Thakurdas: If, Sir, the feeling among Indians be what I have indicated, are Government content to leave it at this on a technical ground, or, are Government prepared to offer some explanation or express their opinion which would assuage the feelings of the people of India ?

Sir Hari Singh Gour : In this connection, may I ask the Honourable the Home Member to examine the precedents of the British Parliament, particularly the precedent I have referred to, before committing himself to the view that the Government of India are not prepared to take any action in the matter ?

The Honourable Mr. J. Crerar: My reply to both the questions is that the Government of India cannot accept, as an executive Government, responsibility for the statements made by a Judge of a High Court.

Sir Purshotamdas Thakurdas: Will the Government be pleased to take such action as they may think proper in order that the Honourable Judge may make amends for this wanton insult to the people of India ? (Hear, hear.) Are the Government prepared to take any action at all ?

Sir Hari Singh Gour: May I put a supplementary question, Sir?

Mr. President: The Honourable Member must wait.

The Honourable Mr. J. Crerar: I have already said that the Government are not prepared to take any action in the matter.

Mr. President : Mr. Gaya Prasad Singh.

Mr. Gaya Prasad Singh: May I put one more supplementary question, Sir ?

Mr. President : The next question.

EMPLOYMENT OF INDIANS BY THE EMPIRE MARKETING BOARD.

252. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that on or about the 20th February 1928, the Secretary of State for Dominion

Affairs and the Colonies, stated in the House of Commons, re garding the Empire Marketing Board, that " as regards the staff em ployed, the services of Indians with special qualifications are utilize from time to time to undertake work of a temporary character in connec tion with the Board's educational and publicity activities "?

(*b*) Will Government kindly state how many Indians are so em ployed, and at what pay, out of the total strength of the staff ; and als why Indians are employed " to undertake work of a temporary character " only ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) The Government of India have no information.

CASE OF MR. CAMPBELL *alias* MR. GEORGE ALLISON.

253. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that Mr. Campbell, otherwise known as Mr. George Allison, served a sentence of 18 months' imprisonment in India for breach of the Passport Act ? Will Government kindly explain the exact nature of the offence with which he was charged ?

(*b*) Is it a fact that throughout his term of imprisonment, he was refused permission to meet his lawyer ; and was also refused his kit, and actually removed from India against his will ? If so, under what law ?

The Honourable Mr. J. Crerar : (*a*) He was convicted of entering British India on a forged passport, and was sentenced to 18 months' rigorous imprisonment under sections 471 and 476 of the Indian Penal Code, and 3 months for a breach of the passport rules, the sentences running concurrently.

(*b*) As to the first part, Government have no information and, as to the second part, he was removed from British India by the Government of Bombay under section 5 of the Indian Passport Act, 1920.

NUMBER OF HINDUS AND MOSLEMS EMPLOYED AS SUPERINTENDENTS, POSTMASTERS AND CLERKS IN ALL THE POST OFFICES IN SIND.

254. ***Haji Abdoola Haroon** : (*a*) Will the Government be pleased to state the number of (*i*) Superintendents, (*ii*) Postmasters, (*iii*) Inspectors and (*iv*) clerks in all the Post Offices in the Province of Sind ?

(*b*) How many of these appointments are held by Moslems and Hindus respectively ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). The figures with respect to Superintendents and gazetted Postmasters are as follows :

Superintendents—4 of whom 1 is a Moslem and 2 are Hindus.

Gazetted Postmasters—2, who are neither Moslem nor Hindu.

The remaining information is being collected and will be furnished to the Honourable Member as early as possible.

REVISION OF THE PAY OF THE MINISTERIAL STAFF IN THE CUSTOMS DEPARTMENT, THE INCOME-TAX DEPARTMENT AND THE CHIEF ACCOUNT OFFICE, SALT, BOMBAY.

255. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) Whether it is a fact that several representations for revision of time-scale on the part of the ministerial staffs of the Bombay Customs, Income-Tax and Chief Account Office, Salt, were received by them ?

(*b*) If the reply to (*a*) is in the affirmative what is the decision of Government regarding the representations ?

(*c*) If the revision has been refused the reasons and grounds for such refusal ?

(*d*) Whether it is a fact that the clerical time-scales of all the Central Departments in Bombay except those under the Central Board of Revenue have been revised since 1921 ?

(*e*) If the reply to (*d*) is in the affirmative what are the reasons and grounds on which such differential treatment is based ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The pay of the ministerial staff was last revised, in the Customs Department, in 1920 ; in the Income-tax Department, in 1922 ; and in the Chief Account Office, Salt, in 1921. Representations received from these staffs since then have been rejected.

(*c*) On the ground that the existing scales were considered adequate.

(*d*) Yes.

(*e*) The Honourable Member is referred to the answer under (*c*).

PAY OF PROBATIONERS AND RESERVISTS IN OFFICES ADMINISTERED BY THE CENTRAL BOARD OF REVENUE IN BOMBAY.

256. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) Whether they are aware that in Bombay Offices administered by the Central Board of Revenue, there are posts of probationers, reservists, etc., who are granted either a start of salary less than the standardised start of Rs. 60 per month or no increment for a couple of years even if the usual start of Rs. 60 is granted ?

(*b*) If so, whether Government are aware that this has no parallel in any of the Bombay offices ?

(*c*) Whether there are any representations for the redress of these grievances ?

(*d*) The decision by Government on these representations ?

(*e*) The grounds and reasons on which such decisions were based ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The Government of India are not aware of the arrangements in all other Bombay offices.

(*c*) No.

(*d*) and (*e*). Do not arise.

METHOD OF MAKING SELECTIONS FOR PROMOTION AMONGST THE ORDINARY CLERICAL ESTABLISHMENT OF OFFICES.

257. *Mr. N. M. Joshi : Will Government be pleased to state :

(a) Whether there are any definite orders as to the mode of appointing officials to the higher grade from amongst the ordinary clerical establishment ?

(b) If so, to place a copy of the said order on the Assembly table ?

(c) If there are no definite orders then to state the principles on which such selections in making appointments are based ?

(d) Whether the appointments are made according to strict seniority unless the seniormost has been found to be deficient in merit required for the post ?

(e) If the principle as stated in (d) above is not at present followed in practice whether the same will be followed in future ?

The Honourable Sir Bhupendra Nath Mitra : (a) No.

(b) Does not arise.

(c), (d) and (e). Discretion in making selections for promotion vests in the Heads of Departments concerned. Government are not aware what the precise practice of the Heads of Departments is, but, as they do not contemplate interfering with the discretion of those authorities, they see no purpose in calling for the information.

ESTABLISHMENT OF PUBLIC EMPLOYMENT BUREAU OR LABOUR EXCHANGES.

258. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether they have stated in their report to the International Labour Office that they propose to consult the Provincial Governments regarding the establishment of Public Employment Bureau or Labour Exchanges ?

(b) If so, what steps have they taken to do so ?

The Honourable Mr. A. C. McWatters : (a) Yes.

(b) A reference was made to Local Governments in July last.

Mr. N. M. Joshi : May I ask whether the Government of India have asked the Local Governments to obtain the views of the labour organisations before they send replies to the Government of India ?

The Honourable Mr. A. C. McWatters : I forget the exact terms of our letter, but I shall be pleased to show it to the Honourable Member.

SICKNESS INSURANCE.

259. *Mr. N. M Joshi : (a) Will Government be pleased to state whether they have addressed the Provincial Governments regarding sickness insurance ?

(b) If not, when do they propose to do so ?

The Honourable Mr. A. C. McWatters : (a) and (b). A draft letter is in issue, which I have shown to the Standing Advisory Committee attached to the Department of Industries and Labour.

APPOINTMENT OF INDIAN REPRESENTATIVES AT GENEVA.

260. *Mr. N. M. Joshi : With reference to the reply given by Government to parts (a) and (c) of the starred question No. 10 on 1st February, asked by Sir Purshotamdas Thakurdas regarding the appointment of Indian representatives at Geneva, will Government be pleased to state what decision they have arrived at on the matter ?

Mr. L. Graham : The proposal that there should be a permanent Indian Representative at Geneva was discussed with the High Commissioner by the Honourable the Law Member on the occasion of his recent visit to England. It is understood that the High Commissioner was not altogether in favour of the proposal and that he is engaged in framing alternative proposals with a view to attaining the same object.

Mr. N. M. Joshi : How will these alternative proposals of the High Commissioner be made known to this House ?

Mr. L. Graham : When we have received them, Sir.

Mr. N. M. Joshi : How ?

Mr. L. Graham : Presumably the Honourable Member will ask another question.

HOURS OF WORK AND WEEKLY REST DAY FOR RAILWAY EMPLOYEES.

261. *Mr. N. M. Joshi : (a) With reference to the reply given to my starred question No. 31 on 1st February last regarding the hours of work and the weekly rest day for railway employees, will Government be pleased to state whether they have come to a decision on the matter ?

(b) If so, what is the decision ?

(c) If no decision is reached, will they be pleased to state why the delay is being caused ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply given to Khan Bahadur Sarfaraz Hussain Khan's unstarred question No. 55 of 4th September, 1928.

Mr. N. M. Joshi : The Honourable Member has in replying to this question referred me to the answer to unstarred question No. 55 put by Khan Bahadur Sarfaraz Hussain Khan on the 4th September, 1928. As the reply to question No. 55 is not before me, will the Honourable Member kindly read that answer ?

Mr. A. A. L. Parsons : If I have your permission, Sir, I am quite willing to read the reply to unstarred question No. 55. The reply to that question is :

"The Railway Board have approved the adoption by the State-managed Railways of the resolution passed at the 1927 session of the Indian Railway Conference Association, a copy of which is appended to this reply, and have been informed that the Boards of Directors of practically all Company-managed Railways have also given their assent to that resolution. Railways are proceeding with their preparations to give effect to that resolution".

I shall be very pleased to send to the Honourable Member a copy of that resolution if he has not already got one.

Mr. N. M. Joshi : May I ask, Sir, whether the Honourable Members of this House are not inconvenienced by giving a reply in such a way

that they cannot ask a supplementary question. The Honourable Member referred me to a certain resolution passed at a railway conference which is not before me ?

Mr. President : Does the Honourable Member put that question to the Chair ? If so, the reply is that Members are inconvenienced.

DEDUCTIONS FROM THE WAGES OF WORKERS.

262. ***Mr. N. M. Joshi** : (*a*) With reference to the reply given to my starred question No. 34 on 1st February last regarding the deductions from the wages, will Government be pleased to state whether they have come to a decision in the matter ?

(*b*) If so, what is the decision ?

(*c*) If no decision is arrived at, will they be pleased to state why the delay is being caused ?

The Honourable Mr. A. C. McWatters : (*a*) The answer is in the negative.

(*b*) Does not arise.

(*c*) The question of legislation in India for the regulation and control of deductions from the wages of workers is by no means a simple one and there were many details which required very careful consideration.

Mr. N. M. Joshi : May I ask how long Government will take to consider this question and when the first consideration of this question was begun ?

The Honourable Mr. A. C. McWatters : The question has been under consideration for several years and, as the Honourable Member no doubt knows, a very elaborate enquiry was conducted by the Bombay Government on this subject, and that is one of the reasons why delay occurred in the early stages. We have received the Local Government's very elaborate report and have been considering that in connection with the replies received from other Local Governments. I hope there will not be much further delay now before the question is settled.

PROMPT PAYMENT OF WAGES.

263. ***Mr. N. M. Joshi** : With reference to the reply given to my starred question No. 35 on 1st February last regarding prompt payment of wages, will Government be pleased to state when they propose to introduce such legislation ?

The Honourable Mr. A. C. McWatters : The matter is still under consideration, but the Government of India hope to be able to arrive at an early decision.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

264. ***Mr N. M. Joshi** : Will Government be pleased to state what action they propose to take regarding the provision of educational facilities for the children of the railway employees as a result of their consideration of a recent report made on the matter ?

Mr. A. A. L. Parsons : It is the intention of Government to obtain the advice on the question of the Central Advisory Council for Railways at a meeting which will shortly be summoned.

RECRUITMENT OF SEAMEN AT BOMBAY.

265. ***Mr. N. M. Joshi** : Will Government be pleased to state what steps they have taken to remove the grievances of seamen in Bombay regarding recruitment ?

The Honourable Sir George Rainy : The Government of Bombay are arranging to transfer the recruitment of serangs and butlers from the licensed brokers to the Shipping Master, and to introduce registers in the Shipping Office for the purpose. To ensure that the proposed registers are properly maintained and that no corrupt practices are employed when crews are signed on, the Government of Bombay have proposed the creation of an additional post of Assistant in the Shipping Office from the 1st November, 1928, for one year in the first instance. The proposal has been approved by the Standing Finance Committee.

Mr. N. M. Joshi : May I ask, Sir, whether it is part of that proposal that the licence of the recruiting broker will be taken away ?

The Honourable Sir George Rainy : I am afraid I must ask for notice of that.

Mr. K. Ahmed : In view of the fact that the question has engaged the attention of the Government of India for the last five or six years since Mr. Clow presided over the Recruitment Committee and nothing has been done hitherto, do Government propose in the interests of the country and of these men to take early steps to give effect to its Report and to appoint officers to engage seamen instead of issuing licences to brokers who are corrupt themselves and corrupt the morality of these seamen ?

Mr. President : Order, order !

AMENDMENT OF THE WORKMEN'S COMPENSATION ACT.

266. ***Mr. N. M. Joshi** : Will Government be pleased to state whether they propose to address the Provincial Governments asking for their suggestions for the amendment of the Workmen's Compensation Act ?

The Honourable Mr. A. C. McWatters : The Government of India have introduced a Bill during the current Session of the Assembly to amend the Act so as to remove certain defects and to introduce minor changes which are likely to raise no important controversial points and which will be generally recognised as improvements. They will thereafter consult Local Governments regarding a number of other suggestions which involve the modification of the principles underlying the present Act or of its more important features.

RECOGNITION OF THE UNIONS OF RAILWAY EMPLOYEES.

267. ***Mr. N. M. Joshi** : (*a*) With reference to the reply given to my starred question No. 42 on 1st February last will Government be pleased

to state whether they have come to a decision regarding the recognition of the Unions of railway employees ?

(*b*) If so, what is the decision ?

The Honourable Sir George Rainy : Government have come to the following conclusions :

(1) The fact that a Union has been registered under the Indian Trade Unions Act should predispose an Agent to accept it as representing the interests of its members and their views.

(2) The decision whether, and, if so, to what extent, a claim of any particular Union to represent matters affecting the staff of the railway may be admitted must be dependent on the extent to which the Union in question is actually representative, in its numbers, influence and standing, of the staff as a whole or of a particular class or particular classes of the staff.

LEAVE AND PENSION RULES APPLICABLE TO INFERIOR SERVANTS.

268. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether they have come to a decision on the question regarding the leave and pension rules applicable to inferior servants ?

(*b*) If so, will they be pleased to state what that decision is ?

The Honourable Sir Bhupendra Nath Mitra : No decision has been reached as regards leave. As regards pension the only decision so far taken is that the temporary increase of small pensions already in force should continue till 1st November, 1929. In the interval it is hoped that the classification rules will be issued and the Government will then re-examine the matter in the light of the situation thus created and the action taken in regard to the same matter by Provincial Governments in general.

Mr. N. M. Joshi : May I ask, Sir, why the Government of India have delayed this matter so much ?

The Honourable Sir Bhupendra Nath Mitra : Because the matter is of considerable importance the consideration of which is bound to take a certain amount of time.

Mr. N. M. Joshi : May I ask whether this matter which is being delayed is of more importance or the matter of the increase in the salaries of higher officers ?

The Honourable Sir Bhupendra Nath Mitra : Here the point at issue is a question of principle, not a question of making certain alterations in rates of pay.

Mr. N. M. Joshi : May I ask whether the principle is that the people are poor in one case and, in the other, rich ?

The Honourable Sir Bhupendra Nath Mitra : That is not the principle. The principle is that the pension and leave rules of these people have for about a century been on different lines from those of officers in superior pensionable service.

ALLEGED ASSAULT BY THE FOREMAN OF THE VACUUM BRAKE SHOP ON MOHAMMAD HUSSAIN, A WORKMAN OF THE CARRIAGE AND WAGON SHOPS AT MOGHULPURA.

269. ***Mr. N. M. Joshi** : With reference to the reply given to my starred question No. 479 on 19th March last regarding a workman being beaten and kicked by a foreman, will Government be pleased to state what punishment was given to the foreman referred to ?

Mr. A. A. L. Parsons : The pay of the foreman has been reduced by Rs. 25 per mensem for a period of six months.

LOSS CAUSED TO THE EAST INDIAN RAILWAY BY THE STRIKE AT LILLOOAH, ASANSOL AND ONDAL.

270. ***Mr. N. M. Joshi** : Will Government be pleased to state what is the approximate amount of loss caused to the East Indian Railway by the strike at Lillooah, Asansol and Ondal ?

Mr. A. A. L. Parsons : There was no dislocation of traffic as a result of the strike, and it consequently cannot be said to have affected the earnings of the East Indian Railway. I am unable to say, to what extent, if any, there may prove to be some loss to the railway administration owing to the postponement of repairs which should otherwise have been carried out. But I do not think it need be feared that any loss from this cause will be appreciable.

ENQUIRY BY THE AGENT OF THE EAST INDIAN RAILWAY INTO THE GRIEVANCES OF THE MEN EMPLOYED AT THE LILLOOAH WORKSHOPS.

271. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether the Agent of the East Indian Railway has enquired into the grievances of the men employed at the Lillooah Workshops ?

(*b*) If so, will Government be pleased to state what has been done to remove them ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The rates of pay of certain classes of the lower paid workmen in the Lillooah shops have been raised from the 1st of August, 1928, and the Agent is making an enquiry into the housing conditions of the workmen in Lillooah.

NUMBER OF LOCOMOTIVES FITTED WITH ELECTRIC SEARCH-LIGHTS.

272. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) The total number of railway locomotives in use in India ;

(*b*) How many of them are fitted with electric search-lights ;

(*c*) When the remaining locomotives will be so fitted up ?

Mr. A. A. L. Parsons : On the 31st March last 2,785 out of the 3,352 locomotives working mail, passenger and mixed trains had been fitted with electric search-lights, and we expect the balance of 567 to be so fitted by the end of this year.

There are (approximately) 2,250 locomotives employed in working goods trains. I believe a certain number have already been fitted with electric search-lights, but the great majority have not. The Railway Board have already taken up the question of fitting all train engines, including goods train engines, with electric search-lights with Railway Administrations and are considering making them compulsory by 1932.

REPRESENTATION FROM THE IMPERIAL SECRETARIAT DUFTARIES ASSOCIATION REGARDING QUARTERS IN NEW DELHI.

273 ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether the Imperial Secretariat Duftaries' Association at New Delhi had sent a representation to the Government of India pointing out certain inconveniences experienced by its members in the quarters such as (1) absence of bath, (2) absence of wall and door in kitchen, (3) absence of water pipe, (4) low courtyard walls and (5) absence of electric lights ?

(*b*) What will be the approximate cost of removing these inconveniences ?

(*c*) Do Government propose to take steps for removing the inconveniences ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) About Rs. 86,000.

(*c*) Yes, so far as items (1) and (3) are concerned. They do not consider the other items necessary.

PRACTICE OF EMPLOYING ASSISTANT GUARDS TO DO THE WORK OF GUARDS WITHOUT EXTRA REMUNERATION ON THE BENGAL AND NORTH WESTERN RAILWAY.

274. ***Mr. N. M. Joshi** : (*a*) Is it a fact that on the Bengal and North-Western Railway assistant guards drawing salaries of less than Rs. 20 per month are asked to perform the work of guards for months together without any extra payment for more responsible work ?

(*b*) If so, do Government propose to draw the attention of the Agent to the desirability of modifying this practice ?

Mr. A. A. L. Parsons : (*a*) Assistant guards who have passed their guard's examination and are fully qualified to act as guards are put in charge of goods trains generally temporarily to relieve regular guards when sickness or exceptionally heavy traffic renders such a course necessary. No allowance is given.

(*b*) A copy of the Honourable Member's question has been sent to the Agent.

MILEAGE ALLOWANCE OF GUARDS AND ASSISTANT GUARDS IN THE SONPUR DISTRICT, BENGAL AND NORTH-WESTERN RAILWAY.

275. ***Mr. N. M. Joshi** : (*a*) Is it a fact that on the Bengal and North-Western Railway especially in the Sonpur District the number of cases of guards and assistant guards being deprived of the mileage allowance, are unduly large ?

(*b*) Is it a fact that frequently the allowance is forfeited even though the guard is not responsible for the train being late ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The answer is in the negative.

CONSERVANCY CHARGES LEVIED FROM DUFTARIES BY THE HEALTH DEPARTMENT IN NEW DELHI.

276. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether the members of the Imperial Secretariat Duftaries' Association occupying quarters in New Delhi have to pay a conservancy charge of 8 annas a month ?

(*b*) Is it a fact that in Simla such a charge is not taken from the duftaries ?

(*c*) What is the total amount collected from this charge at New Delhi ?

(*d*) What steps do Government propose to take to free the duftaries at New Delhi from the burden of this charge ?

The Honourable Mr. A. C. McWatters : (*a*) No conservancy charges are levied from duftaries by the Health Department in New Delhi.

(*b*) No charge is levied from the duftaries in Simla.

(*c*) and (*d*). Do not arise.

GRANT OF FAMILY TRAVELLING ALLOWANCE TO DUFTARIES DURING THE MOVES OF THE GOVERNMENT OF INDIA BETWEEN SIMLA AND DELHI.

277. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) Whether the duftaries are not given travelling allowance for their families during the move of the Government between Simla and Delhi ;

(*b*) Why is this allowance denied to duftaries ; and

(*c*) When do they propose to arrive at a favourable decision in the matter ?

The Honourable Mr. J. Crerar : (*a*) The position is as stated.

(*b*) The terms of their appointment do not include the concession.

(*c*) The matter is receiving consideration and a decision is likely to be reached shortly.

Mr. N. M. Joshi : May I ask why this distinction was made, that the higher officers should get travelling allowances, while menials do not get any travelling allowance ?

The Honourable Mr. J. Crerar : As I informed the Honourable Member, the terms of the appointment of duftaries do not include the question of travelling allowance. The matter is now being examined and we hope a decision will shortly be reached.

CONSTRUCTION OF FAMILY QUARTERS FOR DUFTARIES IN SIMLA.

278. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether duftaries in the Imperial Secretariat at Simla are not provided with family quarters in Simla ;

(*b*) what they propose to do to remove the inconvenience ; and

(*c*) when the inconvenience will be removed ?

The Honourable Mr. A. C. McWatters : (*a*) There are no quarters that can be strictly described as family quarters. As a matter of fact, there are no quarters specially set aside for duftaries nor are there any quarters definitely marked as " single " or " married ". The quarters intended for this class of men are generally known as menials' quarters. These are allotted to various Departments and offices of the Government of India on a *pro rata* basis and it is left to the Departments to put single or married men in the quarters allotted to each, according to the number which each quarter can accommodate.

(*b*) and (*c*). These do not strictly arise ; but I would add for the information of the Honourable Member that Government do not contemplate the construction of further quarters.

Mr. B. Das : Will it hamper the Government much if they spend a lakh or two in building quarters for these menials ?

The Honourable Mr. A. C. McWatters : The question is as regards the number of quarters, not as regards their quality.

Mr. N. M. Joshi : May I ask whether Government are aware that in 1924, Sir Alexander Muddiman replied that the question was under consideration and the matter had not been lost sight of by Government and whether in two years' time the Government have come to any decision on the point ?

The Honourable Mr. A. C. McWatters : Yes, Sir ; I was aware of that and I gave the Government's decision that they did not consider the building of any further quarters necessary. I may add that the proportion of quarters relatively to the number of men is greater in the case of duftaries than in regard to other classes of Government servants.

HOURS OF WORK OF DUFTARIES IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

279. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) Whether an office order has been issued in the office of the Director General of Post and Telegraph Department increasing the hours of work of the duftaries in that office to 8 instead of 6 ?

(*b*) Whether they propose to take steps to reconsider the order and rescind it ?

The Honourable Mr. A. C. McWatters : (*a*) An office order has been issued limiting the hours of working duftaries to 8 hours.

(*b*) Government are not prepared to take the action suggested.

(1) HOURS OF WORK OF DUFTARIES IN THE GOVERNMENT OF INDIA OFFICES.
(2) LOCATION OF THE GOVERNMENT OF INDIA OFFICES IN DELHI.

280. ***Mr. N. M. Joshi** : Will Government be pleased to lay on the table a copy of any orders issued (*a*) on the fixing of office hours of the duftaries of the Government of India (attached and subordinate offices) both in Simla and Delhi and in summer and winter and (*b*) about the permanent location in Delhi of the attached and permanent Departments ?

The Honourable Mr. J. Crerar : (*a*) The question of office hours is, within limits, one for each Department to decide for itself, but ordinarily the hours of attendance are so fixed as to apply to all members of the staff, including duftaries.

(*b*) The Honourable Member is referred to the answer which I gave on the 15th February, 1928, to Mr. Kelkar's question No. 93.

Maulvi Muhammad Yakub : May I know what is the number of the Honourable Member's august association of duftaries ?

The Honourable Mr. J. Crerar : I would ask the Honourable Member to give me notice of that question.

ACCIDENT IN THE MEDIDHI COLLIERY.

281. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) The number of persons killed, (*b*) and persons injured in the accident that took place in the Medidhi Colliery on the 9th April 1928 ?

(*b*) Will Government be pleased to publish the report of the Chief Inspector of Mines and of the enquiry made under the Indian Mines Act ?

The Honourable Mr. A. C. McWatters : (*a*) Six persons were killed and forty persons were injured.

(*b*) Government have received no report of the formal inquiry made by the Chief Inspector of Mines. Section 22 of the Mines Act entrusts the Local Government with the responsibility of deciding whether the report of the Court of Enquiry should be published or not, and the Government of India understand that no decision has yet been reached.

Mr. N. M. Joshi : May I ask whether it is not the responsibility of the Government of India, which is responsible for the industry of mines, to receive the report on this incident ?

The Honourable Mr. A. C. McWatters : The report of the Chief Inspector was made to the Local Government and it was on the basis of that report that under the statutory powers entrusted to them they ordered a court of inquiry. We shall receive from the Local Government that report with their comments on it, and I would ask the Honourable Member to await until the Government of India receive the Local Government's comments, and they will certainly then decide what further action, if any, is necessary. I should like to add that this was a very serious accident and the Government of India share with the Honourable Member his concern at so serious an accident happening and they will examine very carefully what changes in regulations or other changes may be necessary when they receive the report.

ACCIDENT IN THE MEDIDHI COLLIERY.

282. ***Mr. N. M. Joshi** : (*a*) Is it a fact that some time before the accident took place in the Medidhi Colliery the Manager had warned the Chief Mining Engineer of the imminence of the danger ?

(*b*) Is it a fact that no immediate steps were taken to warn the persons of the danger ?

The Honourable Mr. A. C. McWatters : (*a*) The Manager made no report to the effect that danger was imminent.

(*b*) Yes.

ACCIDENT IN THE MEDIDHI COLLIERY.

283. ***Mr. N. M. Joshi** : Is it a fact that after the Medidhi accident during the inspection by the Additional Deputy Magistrate in the evening, Mr. Pierce, the Manager, had told him that he had sent a report regarding the accident to the Magistrate's office in the morning but when after the inspection the Magistrate went to the Manager's office, he found the Manager hastily drafting the report ?

The Honourable Mr. A. C. McWatters : It has been ascertained that though the Manager told the Additional Deputy Commissioner on the day of the accident that he had that day sent in a notice of the accident, that officer did not receive a notice till the next day. Government have no information concerning the incident referred to in the latter part of the question.

Mr. N. M. Joshi : May I ask whether Government will inquire about the incident ?

The Honourable Mr. A. C. McWatters : I think, Sir, this will be dealt with in the report of the court of inquiry.

REPRESENTATION OF WORKERS AT ENQUIRIES INTO ACCIDENTS IN MINES.

284. ***Mr. N. M. Joshi** : (*a*) Is it a fact that in the statutory enquiry made after the Medidhi accident there was an assessor associated to represent the employers but there was no assessor to represent the workers ?

(*b*) Is it a fact that the Indian Colliery Employees' Association was allowed to watch the proceedings, but its representatives were not allowed to ask questions ?

(*c*) Will Government be pleased to state whether they propose to amend the Indian Mines Act, providing for the representation of workers through the Indian Colliery Employees' Association during such enquiries ?

The Honourable Mr. A. C. McWatters : (*a*) Section 21 of the Act requires the appointment of a person or persons possessing legal or special knowledge to act as assessor or assessors. Two such persons were appointed to act as assessors in this case and neither of them acted in a representative capacity.

(*b*) The representatives of the Indian Colliery Employees' Association were not allowed to question witnesses, but they were permitted to suggest questions to the Court of Enquiry.

(*c*) Government do not consider it desirable to undertake legislation for the purpose of securing representation for a particular association, but I shall consider whether other steps should be taken to ensure the representation of interests which are directly concerned in inquiries of this character.

(1) LABOUR LEGISLATION.

(2) REVIVAL OF THE LABOUR BUREAU IN THE DEPARTMENT OF INDUSTRIES AND LABOUR.

285. ***Mr. N. M. Joshi** : (*a*) Is it a fact that the consideration of several questions for legislation is delayed in the Government of India ?

(*b*) Is it a fact that some years back the Government of India had abolished the Labour Bureau in the Department of Industries ?

(*c*) Has the Government any intention to revive the Bureau for the prompt disposal of questions regarding labour legislation ?

The Honourable Mr. A. C. McWatters : (*a*) I take it that the Honourable Member is referring to labour legislation. The progress in dealing with questions falling under this head has not always been as rapid as the Government of India would have liked, but as the Honourable Member is aware, it is ordinarily necessary to consult a large number of interests in cases of this kind.

(*b*) Yes.

(*c*) Not at present.

Mr. N. M. Joshi : May I ask, Sir, whether Government propose to strengthen their staff which looks after questions of labour legislation ?

The Honourable Mr. A. C. McWatters : I have replied to the Honourable Member as regards the bureau, but I may also say that at present there are no proposals for increase of staff.

Mr. N. M. Joshi : When will Government consider such proposals ?

The Honourable Mr. A. C. McWatters : Government will certainly consider the question—but of course it is a matter also for the Finance Department and for my Honourable friend Sir Bhupendra Nath Mitra to consider.

Mr. N. M. Joshi : May I ask whether Government are satisfied about the consideration of these questions and their disposal ?

The Honourable Mr. A. C. McWatters : No, Sir. The Government are not entirely satisfied, but as I have explained the delays are not by any means all with the Government of India ; they are largely due to the size of the country, the different conditions in the different provinces and the necessity for consulting a large number of interests, which make labour legislation in India a longer process than it would be in a smaller country.

Mr. N. M. Joshi : May I ask whether Government are prepared to consider to what extent the delay is due to the fact that they have not got sufficient staff at their disposal to consider these questions ?

The Honourable Mr. A. C. McWatters : I think that the Industries and Labour Department would be delighted to increase their staff.

The Honourable Sir Bhupendra Nath Mitra : I should like to add to what has fallen from my Honourable colleague that the eve of the reform of the existing constitution would, from the point of view of the Finance Department, be a most inappropriate time for adding to the establishment of the Industries Department.

Mr. N. M. Joshi : May I ask, Sir, whether the Government of India think that labour legislation should wait for the new reforms which some people think are coming ?

The Honourable Sir Bhupendra Nath Mitra : The Government of India cannot obviously offer any opinion on the subject.

CONVICTION OF THE ACTING TRAFFIC MANAGER OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY OF A CRIMINAL OFFENCE.

286. ***Mr. N. M. Joshi** : (*a*) Has the attention of Government been drawn to the fact that the Acting Traffic Manager of the Madras and Southern Mahratta Railway was recently convicted of a criminal offence and that he was fined Rs. 30 by a Magistrate ?

(*b*) Will Government be pleased to state whether this person will still be retained in the railway service ?

(*c*) If the reply to (*b*) is in the affirmative will Government be pleased to state what departmental notice of the offence of this person will be taken by the Government ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Government understand that there is no question of his leaving the service of the Madras and Southern Mahratta Railway Company.

(*c*) None. The officer in question is not serving under Government. The offence appears to have been an entirely trivial one of pushing two men out of his office, and seems to have been adequately dealt with by the Presidency Magistrate.

Mr. N. M. Joshi : May I ask whether Government do not consider it to be necessary to deal with an officer who was convicted in a criminal court ?

Mr. A. A. L. Parsons : I have nothing to add to my previous reply. The Presidency Magistrate seems, without the intervention of Government, to have dealt with the offence, such as it was, quite adequately.

GRIEVANCES OF GUARDS ON THE SOUTH INDIAN RAILWAY.

287. ***Mr. N. M. Joshi** : (*a*) Has the attention of the Government been drawn to the series of articles on the grievances of railway guards on the South Indian Railway in the July, August and September issues of the Indian Railway Magazine ?

(*b*) Is it a fact that guards when they reach the maximum of their grade are not promoted to the higher grade even if there are vacancies but are made to work higher class trains with the pay of the lower grade ?

(*c*) Is it a fact that when they work the trains that are to be worked by a higher class guard, they are not even paid an acting allowance ?

(*d*) Is it a fact that cash carrying trains have, under the rule, to be worked only by second class guards but that they are now being worked by third class guards on the South Indian Railway ?

(*e*) Is it a fact that when a guard after some years of service seeks a change to a stationary life like that of a station master he is asked to accept a lower salary ?

Mr. A. A. L. Parsons : (*a*) Government have not seen the articles referred to.

(*b*) The Agent informs me that on the South Indian Railway guards are promoted in accordance with seniority when vacancies occur in the higher grades. No special arrangement as to allotment exists except that mail and express trains are worked by first class guards. Long distance passenger trains are generally worked by second class guards and local trains by third and fourth class guards.

(*c*) The position is that acting arrangements are not generally made as the cadre in each class provides for relief.

(*d*) The practice is for the second class guards to work trains carrying cash on the main line, and third class guards to work such trains only on a few short branch lines.

(*e*) If guards of their own accord ask for such a change, and it is found possible to meet their wishes, they are transferred only on the pay drawn by their contemporaries in the grade to which they are transferred so as to avoid supersession of those already in that grade.

OVERWORKED GUARDS ON THE SOUTH INDIAN RAILWAY.

288. ***Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state the number of second class guards that used to work the section between Tinnevelly and Trivandram in 1924 and in 1927 ?

(*b*) Is it a fact that there has been an all round reduction in the number of guards and that it has led to considerable overwork of the existing staff ?

(*c*) Is it a fact that guards on the South Indian Railway have to work 12 hours in the day and are able to stop in their homes only three nights out of the nine ?

Mr. A. A. L. Parsons : (*a*) Three in both years.

(*b*) No.

(*c*) Guards' runs ordinarily extend only to 8 hours. Where they exceed 8 hours adequate rest is provided. They are generally given one day's continuous rest in a week in addition to rest at headquarters and outstations averaging 63 and 42 hours respectively during the week.

TREATMENT OF INDIAN GUARDS AND DRIVERS ON THE SOUTH INDIAN RAILWAY.

289. ***Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state if it is a fact that Indian guards on the South Indian Railway are not provided with decent running bangalows at terminal stations ?

(*b*) Is it a fact that there are no running bangalows at Madras, Chinglepet, Katpadi, Mayavaram, Tanjore, Trichinopoly, Erode and Madura ?

(*c*) Is it a fact that what is called a running bungalow at Shenootta is a bunk made of an old third class carriage and that it is unlit, unswept and has neither cook nor call boy (to wake up the sleeper when he has to go to work during the night) and that this bunk has to be used by guards from Tinnevelly, Virudhunagar and Quilon ?

to remedy the defects pointed out by Mr. Ranganatham Pillai and to award him a reward for his services ?

Mr. A. A. L. Parsons : (*a*) I have not been able to get hold of a copy of this back number of the Indian Railway Magazine.

(*b*) to (*l*). The Railway Board are asking the Senior Government Inspector to let them have a report. I will let the Honourable Member know the result.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House) : Sir, with your permission I desire to make a statement as to the probable course of Government business during the next week. As originally directed by you, Sir, the House should sit to transact Government business on Monday, the 10th, and Wednesday, the 12th. If the House accepts my motion for taking into consideration the Public Safety Bill on Monday, the 10th, we may anticipate that the detailed consideration of the clauses and the motion for passing the Bill will occupy the greater part of Wednesday, the 12th. On the other hand, should the House accept the motion to refer the Bill to a Select Committee with instructions to report within three days in accordance with the motion of which my friend, Sir Hari Singh Gour, has given notice, you, Sir, have kindly agreed to transfer the sitting of Wednesday, the 12th, to Friday, the 14th, in order to leave Wednesday, the 12th, available for the sitting of the Select Committee. Other Government Bills, which it is hoped to advance on Wednesday or Friday, as the case may be, are as follows : 12 Noon.

The Trade Unions (Amendment) Bill,
The Indian Succession (Amendment) Bill,
The Repealing and Amending Bill,
The Match Industry (Protection) Bill,
The Income-tax (Amendment) Bill,
The Madras Salt (Amendment) Bill, and
The Bill to amend section 505 of the Indian Penal Code.

In respect of all these it is proposed to make motions for consideration and passing. A motion for leave to introduce a Bill to amend the Patents and Designs Act will be made on the same day and a motion to refer to Select Committee the Trade Disputes Bill will also be made if time allows. Tuesday, the 11th, is allotted for non-official Resolutions and Thursday, the 13th, is allotted for non-official Bills.

PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, under Standing Order 78, I beg to present 90 petitions signed by.....

***Mr. Lalchand Navalrai** (Sind : Non-Muhammadan Rural) : Sir, I rise on a point of order. It is a question of principle, and I feel I must raise it. This Bill as well as the other Bills have not been served on me....

*Speech not corrected by the Honourable Member.

Mr. President : We have not reached those Bills yet. I have called on Rai Sahib Harbilas Sarda to present certain petitions.

Rai Sahib Harbilas Sarda : Sir, under Standing Order 78, I beg to present 90 petitions signed by 2,700 women of the Bombay Presidency to regulate marriages of children amongst the Hindus, which was introduced in this Assembly on the 1st February 1927.

THE CHILD MARRIAGE RESTRAINT BILL.

***Rai Sahib Harbilas Sarda** (Ajmer-Merwara : General) : Sir, I rise to move that the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be re-committed to the Select Committee, with the addition of the names of Mr. Birla, Pandit Nilakantha Das, Mr. Shillidy, Pandit Thakurdas Bhargava, and Mr. Yusuf Imam, with instructions to report within three days, and that the motion for the consideration of the Bill be the item on the agenda of the 20th September, 1928.

***Mr. Lalchand Navalrai** : Sir, I rise to a point of order. Sir, this Bill as well as the other Bills have not been made available to me within three days.....

Mr. President : The Bill has been before the country for over a year now, and I am surprised that the Honourable Member should get up in this House and say that he has not received a copy.

***Mr. Lalchand Navalrai** : I beg to say, Sir, that although this Bill has been before the country for such a long time, it has not been served on me after I was gazetted. I was elected only very recently, and it has not been served on me three days before now. Under Standing Order 38, the Bill has to be served on every Member after it is introduced or on any subsequent day. Standing Order 38 reads thus :

"When a Bill is introduced, or on some subsequent occasion, the member in charge may make one of the following motions in regard to his Bill, namely :

(*a*) that it be taken into consideration by the Assembly either at once or at some future day to be then specified ; or

(*b*) that it be referred to a Select Committee ; or

(*c*) that it be circulated for the purpose of eliciting opinion :

Provided that no such motion shall be made until after copies of the Bill have been made available for the use of members, and that any member may object to any such motion being made unless copies of the Bill have been so made available for three days before the day on which the motion is made....."

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Available to whom ?

***Mr. Lalchand Navalrai** : Available to the Member.

Sir Hari Singh Gour : To the Members.

***Mr. Lalchand Navalrai** : Available to the Member or Members. I used the words "Member or Members".

Now, Sir, even yesterday I tried to get a copy of this Bill because our papers reach Longwood late, at 10 P.M., but I did not get a copy. I asked some of my friends if they had got copies of the Bill, and they said they

*Speech not corrected by the Honourable Member.

[Mr. Lalchand Navalrai.]

also had not got any copies. When I came here I saw copies of these Bills this morning. Under these circumstances, I submit, Sir, that under Rule 38 it has not been served on me at least three days before now. Of course, the President has the power to suspend the Standing Order ; otherwise I am entitled to object to this Bill being proceeded with.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Sir, the objection just raised by my friend is wholly unsustainable. The rule relating to the three days' notice of Bills before being taken into consideration is contained in Standing Order 38, but that applies only where the Report of the Select Committee on a Bill has not been presented. Now, the procedure regarding this Bill is governed not by Standing Order 38, but by Standing Order 44, as on this Bill a Select Committee has presented a Report. The exception as to want of notice is contained in Standing Order 38 and not in Standing Order 44, and I therefore submit, Sir, that the objection altogether fails.

Mr. President : Has the Honourable Member got anything to say to the arguments of Mr. Iyengar ?

***Mr. Lalchand Navalrai** : I am just reading Standing Order 44, Sir. There has been no final Report of the Select Committee on this Bill. On the contrary after the Bill had gone through the Select Committee, the Report has not been circulated.....

Mr. President : Order, order. The Report of the Select Committee was formally presented to this House, and the Honourable Member is not entitled to say that there was no formal Report of the Select Committee. The Standing Order on which the Honourable Member relies does not apply to this case and therefore I must rule him out.

Rai Sahib Harbilas Sarda : Sir.....

Mr. President : The motion which the Honourable Member moves is quite different from the motion which stands in his name in the order paper. Will he read his motion once again ?

***Rai Sahib Harbilas Sarda** : The additional members are Mr. Birla, Pandit Nilakantha Das, Mr. Shillidy, Pandit Thakurdas Bhargava, and Mr. Yusuf Imam.

Mr. President : Will the Honourable Member read the whole motion ?

***Rai Sahib Harbilas Sarda** : I beg to move, Sir, that the Bill to regulate marriages of children among the Hindus, as reported by the Select Committee, be recommitted to the whole Select Committee, with the addition of Mr. Birla, Mr. Nilakantha Das, Mr. Shillidy, Pandit Thakurdas Bhargava, and Mr. Yusuf Imam, with instructions to report within three days, and that the motion to take into consideration be the first item on the 20th September.

Mr. President : That is not on the paper.

***Rai Sahib Harbilas Sarda** : I have added certain names, Sir. The motion on the agenda is that the Bill to regulate marriages of children among the Hindus, as reported by the Select Committee, be recommitted to the Select Committee.

*Speech not corrected by the Honourable Member.

Mr. President : That is all right. So far the Honourable Member is perfectly in order. The rest may come in by way of amendments.

***Rai Sahib Harbilas Sarda** : Very well, Sir. My object in making the motion is that, while the provisions of Standing Order 38 are fulfilled, this motion may come before this Session of the Assembly. The matter has been before this House for nearly two years. This Bill has been circulated twice, once by executive order, and again after amendment by the House, and it has been discussed and debated from all points of view and in all its aspects. I therefore request that, now that the Bill has been fully thrashed out, the Select Committee may consider the Bill and report it for the consideration of this House this Session.

Mr. President : If the Honourable Member was really in earnest about his motion he should have moved for the consideration of the Bill.

Motion moved :

"That the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be recommitted to the Select Committee".

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Will you kindly permit me, Sir, to propose an amendment—

(*a*) that the number of members necessary for the quorum should be 5,

(*b*) that the report should be presented within 3 days,

(*c*) that it should be considered as the first item on the 20th September, and

(*d*) that the addition of the names of Mr. Birla, Mr. Nilakantha Das, Mr. Shillidy, Pandit Thakurdas Bhargava, and Mr. Yusuf Imam, be accepted by the House.

Mr. President : Will the Honourable Member pass on his amendment to the Chair ?

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I feel it my duty to make a few observations before I give any intelligent vote on the motion before the House, and I hope you will permit me to do so. It will just take a very few minutes and I will try to confine my observations to making my suggestions—I beg your pardon, Sir, my very humble suggestions in the hope that the Select Committee may bear them in mind at the time when they reconsider the Bill when it is recommitted to them, as I take it this motion requires. I am aware, Sir, that I am a mere humble Member of this House (*Cries of* "No") and I am not a gifted speaker and I do not emulate the polished periods of my friend, Munshi Iswar Saran there. I know I have already made myself odious to some, though I am not guilty, I am not conscious of it. But my good friend, Mr. Birla, said last time that there was a fight between two leaders, than which nothing can be farther from the truth. I am very sorry and that is why I say I am here, Sir, I as a plain blunt man, loving my country perhaps more deeply than wisely; and it is my love for my country that makes me sound a note of warning. It is not that I do not want reforms ; but I want sound, well-thought-out reforms ; and therefore I make these few suggestions, as I regard it a duty I owe to my country.

* Speech not corrected by the Honourable Member.

[Mr. M. K Acharya.]

I want first of all that the Select Committee should realise how they have altered the old Bill to whose principles they were committed. The first Bill that was introduced by my friend Rai Sahib Harbilas Sarda last year in this very place and to which I in my own humble way gave my hearty support, was of an entirely different character; and I believe it is only to the principle of that Bill that we are committed and not to the principle, as I consider it, to the altered principle of the Bill as it came from the Select Committee. Sir, I beg to point out that the principle of the original Bill, the express object of the original Bill, was to regulate the marriages of children amongst Hindus. The principle was only such regulation; and the method by which it tried to do so—I am simply mentioning the fact—the method proposed by the original Bill was to make marriages under certain ages invalid. The original Bill recognised what the Select Committee's revised draft does not recognise, that such invalid legislation would be considered by certain communities as interfering with their religion; and therefore the original Bill went up to His Excellency the Governor General in Council; and got his sanction under section 67 (2) B because, in the words of that section, it was a legislative measure "affecting the religion or the religious rights and usages of any class or community in India." It was recognised that the sanction of His Excellency was therefore necessary. It was unfortunate that later on the point seems to have been completely overlooked. It seems to be imagined that it is not a matter affecting religious rights. I am not against affecting any kind of religious custom whatever; but let us realise the truth of the fact that this is a measure affecting the religious customs of a large number of people. And the original Bill said therefore in the provisions of the Bill that it would make an exception; and it provided that in the case of those who had conscientious objections, that they could go to a magistrate and get a licence. These words were in the original Bill because it recognised, I repeat, that there were conscientious objectors to the measure. And therefore I supported the Bill because, as to the subject matter of the Bill, I am still as much in favour as ever I was. I fear that my friend Rai Sahib Harbilas Sarda must feel very very ill grateful to his friends on the Select Committee. They have turned his Bill, shaken its root and branch, and have produced a Bill which is utterly different from his original Bill. The new Bill is not to regulate marriages or to prevent child marriages. What does the title of the new Bill say ?.....

Mr. President : Order, order. Will the Honourable Member give me one minute ? The Honourable Member from the Punjab has just passed on to me his notice of amendment. There are four clauses to that amendment. The first part deals with the question of quorum. That question has already been decided by this House when the Select Committee was appointed. The Bill is being recommitted to the same Select Committee of which the quorum has been fixed, and therefore that part is unnecessary.

Lala Lajpat Rai : All right, Sir.

Mr. President : With regard to the second part, which now becomes the first, *viz.*, " that the Select Committee should report within three days ", I rule that it is in order. The third, which would be the second if admitted, wants that the Select Committee Report be considered as the first item on the agenda of the 20th September. With regard to that, I should like to hear the Honourable Member. It seems to me that the precedence of Bills to be placed on the agenda is determined by the Standing Orders. Standing Order 7A says:

" The relative precedence of Bills falling under the same clause of sub-order 2 shall be determined by ballot to be held at such time and in such manner as the President may direct ".

The procedure regarding ballot has also been laid down by the President and I do not know how by any amendment you can get round the Standing Order which lays down the precedence of Bills to be placed on the agenda.

Lala Lajpat Rai : I stand corrected on that point. I thought that the President could give us a special day by considering that it is a postponement of to-day's business to another day.

Mr. President : The President has no power to give any day. It is the Governor General who can do so.

Lala Lajpat Rai : Very well, Sir. I withdraw that clause.

Mr. President : Then that goes out, and the fourth clause which now becomes the second, is, that the following members be added to the Select Committee :

" Mr. Birla, Mr. Yusuf Imam, Mr. Abdul Haye, Mr. Thakurdas Bhargava, Mr. Shillidy, Mr. Nilakantha Das and Mr. Rafique ".

There are now only two parts left : (1) that the Select Committee do report within three days and (2) that certain names be added to the Select Committee.

Mr. M. K. Acharya : As I was saying, Sir, the Bill as reported by the Select Committee and sent up to this House is different from the old Bill ; and I hope when it goes back to the Select Committee and comes up a second time, it will be changed in some very important points. I beg to point out, Sir, that the title of the Bill as reported by the Select Committee is to " restrain the solemnisation of child marriages ". It is not to prevent child marriages. It is not to bring about healthy social reform. It seems to be vindictive against those who are bold enough to come out openly and solemnise child marriages. In fact, my good friend, Diwan Chaman Lall, has stated that the punishment should be deterrent—something which would strike terror into the heart of those who celebrate the marriage of their girls before 14 or 16. He says practically the punishment must be vindictive. Now, Sir, the object is to restrain solemnisation of child marriages. There is no objection to child marriage. The objection is to the solemnisation, that is, to the sacramental character of it, which in my humble opinion, speaking seriously, this House cannot interfere with. It is the sacramental character of it, the religious character of it, which to a Hindu is far more valuable than even his life. I beg to point out that neither the Select Committee nor this House has any business to interfere with it. But that is the wording which the very learned, talented, gifted members of the Select Committee have chosen. They have stated that the solemnisation of child marriages shall be restrained. I put the question. Supposing there is no solemnisation, but a boy of 17 and a girl of 13 live together as man and wife ? People in America, we are told, do so, by the author of " *Companionate Marriages* ". Supposing a boy of 17 and a

[Mr. M. K. Acharya.]

girl of 13 live together as man and wife. They do not solemnise the marriage. They will take care that they do not. Will this Bill touch them ? Are we to promote such things ? Secondly, what will happen to the many boys below 18 and many girls below 13 who are now married ? The girl attains her puberty, and I suppose she will go and live with her husband in her 13th year. Will this Bill touch them ? There will be thousands of such girls going and living with their husbands as wives. There is no new solemnisation. All that has taken place already. But this Bill, this very wise Bill, drafted by this very talented Committee—of " all talents " that is—does not take any account of these cases. If a man says that his girl of 11 or 12 should be betrothed, though there will be no true marriage in the sense the lover wants it, there is absolutely no provision in this Bill to help that man over his conscientious objections. All that this Bill says is : " You cannot solemnise the marriage. If you are so particular, you can allow your girl and the bridegroom-elect to live together, but this Bill shall not allow solemnisation. If any man dare come and take any part in the marriage—beware of imprisonment, fine and things of that kind ! " Is this the kind of legislation which is to be introduced in this country, the country of the sages, where for millions of years balanced judgment had held the day and ruled the world ? (Laughter). You can laugh it away but I am very much afraid of what is going to happen. And then comes, Sir, the penalty. The Select Committee have not invalidated the marriage, but the boy is to be sent to jail if the girl is below 14. Is a Hindu girl going to be protected by her husband being sent to jail ? Can she, will she like to divorce him ? Hindu children have much better ideals than that. The Hindu girl will not only say " *Raja va rajyahino va yo me bharta sa mê prabhuh* " but also " *Sâdhurvâ yadi vasadhuh* "—" Prince or beggar, whoever has married me before the sacred fire, he is my Lord and my God ", nay, " whether he be guilty or guiltless, he is my Lord ". Send the husband to jail. If the wife be no social reform heroine, if she be a real Hindu girl, she will commit suicide the next day. Is that what you want to be done ? Is that protecting the girl ? I do not for one moment question the good intentions of my friends. But I want that their good intentions should take a really sane and proper turn. This is not protecting the girl. It is ruining the girl for life. When the boy comes back from jail, what will happen ? My friend there exclaims " But why should the young man break the law and go to jail at all ?" Why indeed ! The Penal Code says, " Don't thieve, don't do this wrong thing, don't do that ". But even learned men do it. The forbidden fruit always tastes sweet ; above all self-assertion, like love, laughs at locksmiths ! What will now happen if a young man marries a girl under 14 ? If he is a high-principled youth, and is keen, I will advise him to marry, and to take cheerfully whatever happens. A very learned and very responsible Vakil of the High Court told me just this in Madras. He has sent up a very, very good and long opinion. He told me " Let us disobey and take the consequences ".

There is thus at the very outset this difference between solemnisation of a child-marriage and the prevention of a child marriage. Prevent child marriages by every fair means, but why do you prevent solemnisation ? This distinction is not purely out of the imagination of my own

superstitious brain ; for I find that the same thing has been said by, I am very glad to say he is a European, Hilton Brown, Esquire, M.A., I.C.S, Collector and District Magistrate of Salem. He says :

" To myself the Bill, as it stands, appears unnecessary and useless both in general and particular. To begin with, in the case of some 90 per cent. of the population of India, it is superfluous, as child marriages are not practised by these communities. Further, the Bill sets out to make the solemnization or contract of child marriage a criminal offence. But what is there criminal in such acts ? The mere contract or solemnization of marriage between very youthful participants can hurt nobody and indeed a marriage arranged by selection at an early age by interested and experienced persons may prove a very good thing for the protagonists and perhaps much better than the haphazard methods prevalent in the West."

which our friend over there seeks to introduce. This is the opinion of Mr. Hilton Brown. In this connection let me parenthetically add that I am very sorry that copies of all these opinions are not available to us. I wanted to get a copy of these opinions ; and I was told that they were still in print and copies were not available. I very much wish that even though they may not be available to us, they would be available to the members of the Select Committee ; and that very careful attention would be paid to those opinions. Another opinion on the same lines is again, I am very glad to say, from a European, from the Collector of my own place, Mr. E. F. Thomas, C.I.E., I.C.S., Collector of Madras. He has written as follows :

" In this connection, I desire to point out that several gentlemen who have given their views in the matter request that the Government should not countenance the passing of the Bill and thus interfere with the religious neutrality proclaimed by Her Majesty Queen Victoria in her gracious Proclamation of 1858. I agree with the views of these gentlemen ".

This then is what another very responsible officer of Government had got to say. Therefore, it is not purely out of my own imagination that I object to penalising solemnisation. I do not want to read all these opinions *seriatim*, though there are several like these two. I only want the Select Committee to pay attention to these opinions. I may say that all or the majority of European Collectors in my province have dealt seriously with the question ; I am very glad to say they are Europeans—all honour be to them—they have all realised the danger ; they have consulted public opinion and they have strongly protested. I want the Select Committee to pay attention to this fact.

The first point, as I said, is that this Bill prevents not child marriages but the solemnization of child marriages, which is an entirely different thing ; and therefore it would help child marriages in secret while preventing solemnization. There are two mistakes, as I consider, which the Select Committee must rectify ; firstly, in changing the old wording from " regulating child marriages " into " solemnization of child marriages "; and secondly, in its unwarranted change of the age contained in the original Bill from 12 to 14. When the old Bill was circulated for opinion, objection was taken to the method of invalidating the marriages. Instead of rectifying this method, this wonderful Select Committee has gone and changed the whole tenur of the Bill, and raised the age to 14 ; and they do give no reason. They say :

" After much discussion, we decided that this age for boys should be eighteen years. For girls we considered the ages of eleven, twelve and fourteen, and finally came to the conclusion that we should adopt the age of fourteen ".

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Their explanation is this ; and it is adding insult to injury ; they say :

" We recognise that these ages will be regarded by many people, whose opinion is entitled to great weight, as being too high "—

very gracious of them to admit that—

" but we also recognise that there is a strong body of opinion, particularly among those who advocate social reform, which will not willingly accept any lower age ".

That means that the majority of the Committee have pampered to the demands of the social reform party and have simply rejected, although entitled to great weight, the opinions of others I am aware that there is a general feeling—I myself thought so once—that marriage before 14 and 18, or girls and boys living together before those ages, was very, very injurious to the health ; that it caused a lot of diseases and so on. Of late I have been interesting myself a little bit in the question ; and with the fanaticism characteristic of an old superstitious fellow like myself, I have been trying to know what great doctors and scientific authorities on the subject of sexual intercourse had to say.

This is a matter of serious import, and I hope the House will pay due attention to it. Here is what Havelock Ellis, a recognised authority on this matter, says in his " Studies in the Psychology of Sex ". (*An Honourable Member* : " Is it psychology or biology ? "). It is psychology, biology, philosophy, all put together as far as I can see. Any way the title of the book is " Studies in the Psychology of Sex " ; and I think it is a very good title because biology obeys psychology, because the body obeys the mind and not the mind the body. Mr. Ellis says :

" There is no proper analogy between the age of legal majority which is fixed, approximately, with reference to the ability to comprehend abstract matters of intelligence, and the age of sexual maturity which occurs much earlier, both physically as well as psychically, and is determined in women by a very precise biological event, the completion of puberty on the onset of menstruation..... The sound view in this question is clearly the view that it is the girl's puberty which constitutes the criterion of the man's criminality in sexually approaching her. In the temperate regions of Europe and North America the average age of the appearance of menstruation, the critical moment in the establishment of complete puberty, is fifteen..... The male is capable of procreating from about the age of 13 until far beyond eighty and at this advanced age the offspring even if not notable for great physical robustness may possess high intellectual qualities. The range of the procreative age in women begins earlier (sometimes at eight) though usually it ceases by fifty or earlier, in only rare cases continuing to sixty or beyond ".

I was greatly surprised that a case was reported of a child of eight having been pregnant. (*An Honourable Member* : " Therefore you will fix the age at 8 "!) Not at all ! But to continue the quotation :

" Several investigators have devoted their attention to this question. Thus, Spitta (in a Marburg Inaugural Dissertation) reviewed the clinical history of 260 labour cases in primipara of 18 and under as observed in Marburg Maternity. He found that the average health during pregnancy was not below the average of pregnant women while the mortality of the child at birth and during the following weeks and the mortality of the mother was by no means high. Picard (in a Paris thesis, 1903) has studied child birth in 38 cases below the age of 16, and he found that although the pelvis is certainly not yet fully developed in very young girls, the joints and bones are much more yielding than in the adult, so that parturition, far from being more difficult, is usually rapid and easy. The process of labour itself is essentially normal in these cases and even when abnormality occurs, it is remarkable that the patients do not suffer in the way common among older women. The average weight of the child was 3 kilogrammes or about 6 lbs. 9 ounces.....The recovery of the mother was in every case absolutely normal, and the fact that these young mothers become pregnant again more readily than primapara of a more mature age, further contributes to show that child birth below the age of 16 is in no way injurious to the mother. Gache has attended 91 cases of labours of mothers under 17 in the Rawson Hospital, Buenos Ayres ;.....Gache found these young mothers not more exposed than others to abortion or to other complications of pregnancy.....It is clear that young mothers do remarkably well while there is no doubt whatever that they bear unusually fine infants. Klienwa'chter, indeed, found that the younger the mother, the bigger the child. It is not only physically that the child is superior. Marro has found (Puberta, p. 257) that the children of mothers under 21 are superior to those of older mothers both in conduct and intelligence provided the fathers are not too old or too young. The detailed record of individual cases confirms these results both as regards mother and child. Thus Milner records a case of pregnancy of a girl of 14. The labour pains were very mild and delivery was easy. E. B. Males of New Jersey has recorded the history reproduced in Medical Reprints of a coloured girl who became pregnant at the age of 11. She was medium size, rather tall and slender but well developed and began to menstruate at 10. She was in good health and spirits during pregnancy and able to work..... "

—I hope my Honourable friend Sir Hari Singh Gour will listen to this carefully. I know he takes a great interest in marriage statistics.

Sir Hari Singh Gour : Why don't you lend me a copy of your book ?

Mr. M. K. Acharya : Dealing further with this matter, this is how the quotation goes on :

" Mother and child both did well and there was a great flow of milk. Whiteside Robertson has recorded a case of pregnancy at the age of 13 of a colonial girl of British origin at Cape Colony which is notable from other points of view. During pregnancy she was anæmic and appeared to be of poor development and doubtful normal pelvic conformation. Yet delivery took place naturally at full term without difficulty or injury and the lying in period was in every way satisfactory. The baby was well proportioned and weighed 7½ pounds..... The facts brought forward by obstetricians concerning the good results of early pregnancy as regards both mother and child have not yet received the attention they deserve. They are however confirmed by many general tendencies which are now fairly well recognised. The significant fact is known, for instance, that in mothers over 30 the proportions of abortions and miscarriages is twice as great as in mothers between the ages of 15 and 20, who are also superior in this respect to mothers between the ages of 20 and 30 ".

(*An Honourable Member* : " That is only one opinion ".) This is from a well-known book written by a scientific writer. He gives you so many cases and so many references. I shall be prepared to accept the opinion of one intelligent, thoughtful and selfless man as against the opinion of 350 millions of ignorant and uneducated men. That is my philosophy.

Mr. K. Ahmed : What is the practice in England ?

Mr. M. K. Acharya : The movement there is for getting rid of adult marriages and for introducing early marriages. You are now trying to introduce exactly what they are trying to get rid of in England. I am quoting again. The writer says :

" There is undoubtedly at the present time a considerable amount of prejudice against early motherhood. In part, this is due to a failure to realise that women are sexually much more precocious than men, physically as well as psychically. The difference is about 5 years..... In a very large number of women the sexual impulse remains latent until aroused by a lover's caress. The youth spontaneously becomes a man ; but the maiden, as has been said, must be kissed into a woman. In women also specially, in those who live a natural and healthy life, sexual excitement also tends to occur spontaneously but by no means so frequently as in men ".

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The author therefore comes to the conclusion that it is wrong, criminal, to obstruct the free flow of the erotic impulse which nature has provided for every girl ; criminal to obstruct the pure, holy and delightful kiss of the husband that will awaken her into womanhood. I will now quote from a female writer and therefore a much better authority. She is Ellen Key. She is the very famous author of the work called " Love and Marriage " which has been translated into most of the European languages and has run through several editions. She is one of the most prominent leaders of the feminine movement in the Continent of Europe and advocates free love, free divorce and motherhood without marriage. She is not an old superstitious Indian. This is what she says :

" It is evident to every thoughtful person that a real sexual morality is almost impossible without early marriage ".

(Laughter). You may laugh and laugh. Sir Hari Singh Gour and I may pass away ; but humanity is not going to pass away ; and truth shall not perish. This is the conclusion to which this lady has come. She says that real sexual morality is almost impossible without early marriage. She goes on to say :

" For, simply to refer the young to abstinence as the true solution of the problem is, as we have already maintained, a crime against the young and against the race, a crime which makes the primitive force of nature, the fire of life, into a destructive element ".

Sir Hari Singh Gour : Refer it to the Select Committee. We shall consider it there.

Mr. M. K. Acharya : I am reading this in order that the whole House and the world at large may know the facts. This Bill is a much more serious matter than any others on which you may be legislating.

Mr. N. M. Joshi : May I ask whether this book cannot be taken as read ?

Mr. President : The Honourable Member, though in a minority, is entitled to express his views, however unpallatable those views may be to the majority of Members.

Mr. M. K. Acharya : Thank you, Sir. Ellen Key writes :

" The young know, if any can know, that no form of love is more beautiful than that in which two young people find each other so early that they do not even know when their feeling was born and accompany each other through all their fortunes, sometimes even to death, for now and then life vouchsafes this crowning fortune. Never do greater possibilities exist for the happiness both of the individuals and of the race than in a love which begins so early that the two can grow together in a common development ; when they possess all the memories of youth as well as all the aims of the future in common ; when the shadow of a third has never fallen across the path of either ; when their children in turn dream of the great love they have seen radiating from their parents ".

Yet, this Legislature will intervene and take away the girl of 11 from the boy of 18, and the boy from the embrace of his married wife and send him to jail. Can you think of a greater horror ? Yes, I am writing for some copies to my friend Babu Charu Chandra Mitra of Calcutta, to whom I am indebted for these quotations ; and I hope to send a copy as soon as I get it to the Select Committee. I beg of the Select Committee to ponder more carefully on this subject. It does not matter, let it take three months, but let truth be investigated. Lala Lajpat Rai is, I know, a lover of truth, and I beg of him not to be in such hurry to deal with the problem in 72 hours. These writings I have referred to are not of the nature of novels : these are all scientific books, not to be taken as mere novels. Therefore, Sir, let truth be sifted. I do not, Sir, for a moment question Lalaji's good intentions. Because of his good intentions I honour and I respect him ; and therefore I appeal to him to have a little patience. Let us all sift the matter, let us come to some very wise reform which will help us to keep safe our dignity and our sanity. This Select Committee has said in effect, " Several people are in favour of 12 or 13 but the larger number of votes are for fourteen, and therefore we agree with the latter ". Is this the way to sift truth ? I want the Select Committee therefore to study the whole question as to what the right age is. It is said that fifteen is the proper physiological age in temperate countries. Probably thirteen may be the right age in India and other warm countries. Of course legislation never fixes the maximum age, so that nobody is going to say that every girl should become a mother at thirteen. What I say is, " Do not rush into legislation without sufficient facts ".

Mr. B. Das : You want to fix the age at nine ?

Mr. M. K. Acharya : I want whatever is good, whatever is beneficial, whatever is in the best interests of the country. If it be fifty-five, I am prepared to accept it (Laughter).

Another point, Sir, and I am done. I want the opinions to be very very carefully sifted. We are just getting the opinions, and I am sorry that even I have not been able to tabulate them. There are heaps of memorials with thousands of signatures on them copies of which have been sent to me with the request that I might raise before you their subject matter. I am sure copies of these were sent to the Government of Madras and to the Government of India. The Government of Madras, however, never makes mention in their despatch of these huge memorials they have received. There is not a single word in their letter about these memorials. They simply state that the Legislature in Madras passed such and such a Resolution, and there is no reference made to the huge number of petitions presented to the Government of Madras and to the Government of India ; and so I beg the Government of India to place all these petitions before the Select Committee. And now, Sir, I want to say a word on the Select Committee. (Laughter). I know I am not a favourite of some here. I am sorry orthodox Hindu opinion is not adequately represented on the Select Committee. There have been only Pandit Madan Mohan Malaviya and Kumar Ganganand Sinha to represent the orthodox Hindus ; but all the rest are more or less ardent reformers. I beg that, in all fairness, this House may put in a few members who will at least sympathetically consider the orthodox opinion that may be presented among the various opinions received or any opinions that may come up through the Government hereafter : and I appeal to the House to put some such on the Select Committee. I wanted to suggest the name of a friend of mine,

1 P.M. Mr. Belvi, or Mr. Rangaswami Iyengar. I am, personally, quite willing to stand out ; for I should think twenty times before going on a Committee like this. Therefore I am not making this speech with a view to going on the Committee from which I am quite willing to be out. But I do beg of you, Sir, as the guardian, not

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only of the rights and privileges of this House, but of the rights and privileges of future generations, to kindly help us in arriving at some sane legislation. Let us not hurry through this matter, and for God's sake do not attribute personal motives to me. I know very well that social reformers have good intentions ; but good intentions as we know pave the way to a certain place—which is not Heaven, by whatever name you call it. So apart from good intentions, let us be guided by sound judgment and balanced views, verily in the interests of the children we want to protect. For after all it is a crime to suppress the erotic instincts of a girl ; and they were not fools who used the Sanskrit word " Broonahatti " in connection with the killing of the erotic instinct. Blessed are they who will not suppress nature, who will think very deeply, a thousand times before they dare thrust their artificial rules above the laws of Nature ; blessed are they who will help to bring their little children together unconsciously into those life-long unions which probably know no end even when the body passes away ; for, according to man's higher view, love is immortal; love is devine. Let us help the growth of this higher Love. With this object, I say to this Select Committee, please endeavour to produce something which will be better than the draft which the old Select Committee in their great enthusiasm have submitted, but which a great majority of the opinion that we have got is strongly against. Defer consummation if you like till the age of 14, but do not prohibit marriage. I appeal to the members of the Committee, Sir, to do their duty not only in the interests of the hour but in the interests of futurity, to establish sane precedents for all eternity.

Mr. President : The original motion was :

" That the Bill to regulate marriages of children amongst Hindus, as reported by the Select Committee, be recommitted to the Select Committee ".

Since which the following amendment has been moved :

" At the end add the following words :

' and that the following members be added to the Select Committee : *viz.* Mr. G. D. Birla, Mr. Yusuf Imam, Mr. Abdul Haye, Mr. Thakurdas Bhargava, Mr. Shillidy, Mr. Nilakantha Das and Mr. Rafique, and that the Committee be instructed to present its report within three days '."

The question is that that amendment be made.

The motion was adopted.

Mr. President : The question is :

" That the Bill to regulate marriages of children amongst the Hindus, as reported by the Select Committee, be recommitted to the Select Committee, and that the following members be added to the Select Committee: Mr. G. D. Birla, Mr. Yusuf Imam, Mr. Abdul Haye, Mr. Thakurdas Bhargava, Mr. Shillidy, Mr. Nilakantha Das and Mr. Rafique, and that the Committee be instructed to present its report within three days."

The motion was adopted.

Mr. Amar Nath Dutt : I want more names to be added.

Mr. President : I am afraid the Honourable Member is now too late.

Mr. Amar Nath Dutt : I was rising when the question was put.

Mr. President : The motion has been carried by the House. I regret very much that it is not possible for me to allow the addition of any further names now.

Mr. M. K. Acharya : I thought I moved the addition of more members.

Mr. President : The Honourable Member merely made a suggestion. He did not move an amendment.

THE INDIAN DIVORCE (AMENDMENT) BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I beg to move that the Bill further to amend the Indian Divorce Act be referred to a Select Committee.

I shall very briefly state to the House the reasons which have led me to sponsor this Bill. It is a Bill of a purely non-communal character, so far as the Hindus and Muhammadans are concerned, and I shall very briefly, therefore, inform all Members of this House what is the underlying principle of this measure that I ask the House to refer to Select Committee. As Honourable Members are aware, this Bill affects both Christians and non-Christians, Europeans and Indians, and for the purpose of convenience, if I may be permitted, I shall group the various communities affected by this Bill. They would comprise, first, Europeons resident in India, possessing and retaining their British domicile, that is to say, Europeans temporarily resident in India. In the second place, we have the European domiciled in India, permanently resident in India. In the third place, we have Anglo-Indians who are statutory natives of India and for all practical purposes are classed as Indians. In the fourth place, we have Indian Christians who are resident and domiciled in India. In the fifth place, we have Hindus and Brahmo Samajists and other Hindu reformers who have married under the Special Marriage Act of 1872, amended or unamended, and they are also subject to the provisions of the Indian Divorce Act.

So far as the first class of persons is concerned, that is to say, the European residents of India not possessing Indian domicile, they are subject to the English law and the Indian Divorce Act and the procedure which it prescribes, namely, that its rules, regulations and practices shall be in accordance with English law, and so far as they are concerned it shall affect them. Now what is the English law on this subject ? The English law of divorce was passed something like 80 years ago, and since then the Continent of Europe, all the British Colonies and America have reformed their divorce laws. But England was the only country that lagged behind. As I have stated in the Statement of Objects and Reasons, in 1909 a very influential Royal Commission was appointed of which His Excellency Lord Reading was one of the members, but he had to resign because he was appointed as the Lord Chief Justice of England and later on as the Governor General in India. The President of the Divorce Court, Lord Gorrel, who had been presiding in the Divorce Court for twenty years, was President of the Commission, which by a majority of 9 said that the English law of divorce was an anachronism and it had not kept pace with the modern usages of other modern nations, and consequently they advocated the reform of the English law

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of divorce. In accordance with the recommendations of the Royal Commission, Lord Buckmaster, ex-Lord Chancellor of England, drafted a Bill which was introduced in the House of Lords and carried by a striking majority, but when it came to the House of Commons that popular Chamber did not find time, and the result was that Lord Buckmaster had to renew his Bill in the House of Lords for the second time. Again for a second time that Bill was carried in the House of Lords by a striking majority. Honourable Members are aware of the pronounced views of the Secretary of State for India, Lord Birkenhead. A very influential deputation of English lawyers and statesmen waited upon Mr. Baldwin the Prime Minister of England, asking him to give facilities for the promotion of this Bill in the House of Commons. But according to the newspaper report the Prime Minister of England said that this was a controversial measure and on account of the crowded agenda of the Government, it would be impossible to find time for that Bill. The position therefore is that so far as England is concerned it remains a hundred and more years behind the other civilised communities of Europe and America in regard to the law of divorce. So far as the English people are concerned, represented as they are by members of the Upper House in England, they have given a definite and emphatic opinion in favour of reform in that direction. Honourable Members are aware that though this is the situation in England, the English Colonies of Canada, South Africa and Australia have forged ahead and modernised their law of divorce and brought it into line with that obtaining on the Continent of Europe and in America. Unfortunately, when the Indian Divorce Act was enacted, we were still regarded as a dependency and a possession of England and we borrowed *en bloc* our laws and our procedure from the English law. It so happens that in the Indian Divorce Act, though it purports to be a codification of the Indian law of divorce, we find that there is a clause which makes the English law applicable to Indian cases. Now, Sir, the position of the Indian Divorce Act therefore is that it is tied to the ancient chariot wheels of the British laws which have remained unreformed for over a century, and this country suffers from the backwardness of England in regard to marriage laws. It is a fact which is recognised by every body on the Continent and it is a by-word with persons of all civilised communities that England is the only country in the world which lags behind in this progressive legislation dealing with the law of husband and wife.

Well, Sir, I am not going to weary the House by reading to it the passages from the Report of the Royal Commission appointed to consider this question, but I will sum up the conclusions of the Royal Commission in a few words. The Royal Commission said—remember that the Judges of the Supreme Court dealing with thousands of divorce cases sat upon that Royal Commission and a great many lawyers who had to deal with divorce cases were examined as witnesses by that Commission—after examining the evidence, the Royal Commissioners permitted themselves to say that in a majority of cases, divorce in England has become a put-up job, that the honesty which should be the backbone of marriage has been divorced from these divorce proceedings, and that for the purpose of removing this lamentable anachronism from the English Statute book it was necessary and indeed imperative that the English law of divorce should be immediately reformed.

Now, Sir, as I have said, in the Colonies because they had laws of their own they have broken themselves free from the English law and have brought their laws into conformity with the Continental and American practice ; but on account of that unfortunate provision in the Indian Divorce Act, that the English law will be followed in the matter of Indian divorces, the Indian Government have not been able to do anything to reform its Statute-book so far as this law is concerned. Sir, I have introduced this Bill with a twofold object. I feel that the time has now come when India should assert her right of legislating for her own people and should no longer be tied to the apron-strings of England, depending for her laws on that distant land. But at the same time I feel as a lawyer that I do not wish to hasten the pace of Indian legislation in a way which would in the slightest degree interfere with the vested rights of British residents in India. Speaking therefore as the author of this Bill, I wish to explain to this House how far my Bill will affect the British residents of India not domiciled here whom I have categorised as No. 1 in my classification. So far as these gentlemen are concerned, they are subject to the English law, and my intention is, Sir, if this Bill goes to Select Committee, to draw up a report and exclude them for the time being from the provisions of my Bill. The effect of that would be that the opinion of the Europeans in India would be focussed on the report of the Select Committee and I hope, Sir,.....

The Revd. J. C. Chatterjee : Will you exclude Indian Christians also ?

Sir Hari Singh Gour : I am coming to that. I am dealing with British people now. This report, I hope, will be perused by people in England and will serve as a further incentive for the purpose of introducing a reforming Divorce Bill in the House of Commons. That is my sole object. Now as regards the second class, namely, people who are domiciled in this country, that is to say, the European community permanently domiciled in this country, I beg to submit that there is no reason whatever why they should not bring their law into conformity with the Colonial and European practice. There is no reason whatever why in their case the provision in the Indian Divorce Act should continue, that they should follow the British law. I am going to nominate, with the permission of the House, a few Europeans on the Select Committee and if they still desire—I am speaking of the second class of people, namely, Europeans domiciled in India—if they still desire that they should be excluded from my reforming Bill I shall be prepared to do that also.

Now, Sir, I come to the permanent residents of India, the Anglo-Indians and the Indian Christians and those specially married under the Act of 1872. So far as they are concerned, they are the permanent citizens of this Empire. They have absolutely no connection with England and they are for all practical purposes in the same position as the colonists in Canada, South Africa or Australia ; and if the modern practice which obtains in those Colonies and which I wish to transfer to the Statute-book is enacted into law, I do not see how they would lose anything by it. They have on the contrary everything to gain because they will then have a self-contained Indian Statute in conformity with the usage of modern civilised nations. So far as those married under the Act of 1872 and Act XXX of 1923 are concerned, I venture to submit that they should welcome a reforming measure of this kind because on account of its natural justice it is a reform which was overdue in this

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country and has been overdue in England for several decades—if I may be permitted to add, for perhaps a century or more.

Sir, I feel fortified in pressing this motion, because when I look at the collective opinions which have been given upon my Bill I find that while there is not a single opinion which has been given against the principle of my Bill the only objection that has been raised in certain quarters is that we must await the amendment of the English law before amending our own law. That of course, I admit, is a weighty objection and if the Select Committee desire that this Bill should pend future legislation by the British House of Commons, I shall certainly not press for consideration of this Bill in this House after the Report of the Select Committee is published. Sir, I only desire to focus public opinion and so far as the first two classes of people are concerned—British residents in India and the British domiciled community in this country—I have already given them the assurance, which I repeat, that, if they so desire, the Select Committee will merely record their opinion as to the utility of this Bill in this country and await the decision of the House of Commons on the English Divorce Act. So far as the three other communities are concerned, that objection cannot apply in their case and if the Select Committee decides that their practice should be brought into conformity with the laws of other civilised people, then, Sir, I would ask the Select Committee to amend the Bill so as to limit it to those classes and come here with a much limited Bill and ask this House to pass it into law.

I hope, Sir, I have explained as clearly as I could the object I have in view and I ask the Honourable the Home Member not to oppose my motion to go to a Select Committee, because the motion is not a very ambitious one. It is a motion which commits the House to no definite views beyond the abstract principle of the Bill which has been applauded by everybody to whom the Bill has gone for opinion. I will only read one line and that will satisfy the House that what I have said is perfectly correct. The General Secretary of the European Association, writing to the Government of India on this Bill, says that while the principle of the Bill so far as it affects Europeans which I have placed in the first class, " may be supported on the grounds of natural justice, public expediency and policy " he suggests certain amendments, and the Honourable Members will find that the other communities whom we consulted also agree on the main principle of the Bill. I shall give very brief details : The Chief Commissioner, Delhi, says " I approve of the Bill ". The Chief Commissioner, Coorg, is in favour of the Bill. The Associated Chambers of Commerce say they do not desire to express any views regarding the Bill : they are certainly not opposed to it. The Chief Commissioner of the North-West Frontier Province agrees with the general principles. In Assam, both official and non-official opinion is generally in favour of the Bill. In Bengal the High Court Judges say that this is a matter of policy and they have no observations to offer on the Bill. Then we have the opinion of Burma : while they agree with the principle of my Bill, they counsel awaiting the decision of the British Parliament. In the United Provinces, the Governor in Council agrees with the views of King J. that it is premature to introduce into the Indian Divorce Act controversial amendments which have not yet been enacted in England that is to say, await the decision of the English Parliament. In Bengal the Governor in Council approves generally of the proposed Bill. In Madras, His Excellency the Governor in Council is of opinion that the decision on Lord Buckmaster's Bill should be known before the above measure is proceeded with—Sir, I am entirely agreeable to that course. If the Select Committee decides that this measure should be taken up and passed after the House of Commons have decided that question, I am quite prepared to hang up this measure and await the decision of the House of Commons.

The Central Provinces: the Governor in Council is in favour of the Bill. All the Judges are in favour of the Bill.

Bombay : the Governor agrees with the Judges of the High Court.

Judicial Commissioners of Sind are in favour of the Bill.

Bihar : here they say that the Bill is premature, and that they must await the decision of the House of Commons.

Punjab : the Governor in Council agrees with the views expressed by Mr. Justice Addison. Mr. Justice Addison says that the Bill undoubtedly represents educated modern opinion on the subject and there is much to be said in favour of it. That is the view of the Government of the Punjab.

Then there is finally another letter from the Government of Bengal at page 24 of the compilation to which I have already adverted.

I have told the House, therefore, that in the collected compilation embodying the opinions of the various representative bodies and Governments, the unanimity is in favour of the principle of my Bill, while very weighty opinion is in favour of the view that before taking any decisive action in the matter we should await the decision of the British Parliament. Well, Sir, if this Bill goes to the Select Committee and the Select Committee publishes its Report and advises recirculation, I shall be agreeable to adopt that course, and we have very valuable opinion in this country that it would draw the attention of the people at Home to a feeling in the matter which, I submit, may bring about the acceleration of that measure which has long been pending in the British House of Commons. I therefore submit that this House should not resist the motion which I have the honour to move.

Sir, I move.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President in the Chair.

Mr President : The House will now resume the further discussion of the following motion of Sir Hari Singh Gour :

" That the Bill further to amend the Indian Divorce Act be referred to a Select Committee."

The Honourable Mr. J. Crerar (Home Member) : Mr. President, I regret that I find it incumbent upon me to oppose this motion. I do not propose to deal with the intrinsic and fundamental merits of Sir Hari Singh Gour's Bill. In those provisions there is a great deal of which enlightened

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opinion will approve, but with these issues I do not at present propose to deal. I propose to deal with what seems to me the immediate and practical issue before the House, namely, whether it is expedient and desirable that steps should be taken to enact the provisions of the Honourable Member's Bill. As I propose to speak on, and to confine myself solely to, that narrow, through very important, issue, I do not think it will be necessary for me to detain the House at any length. I have three principal points to lay before the House for its consideration. The first relates to the present state of the law ; the second to the absence of any demand for the amendment of the law from the communities directly and immediately concerned ; and the third to the effect of a reference to a Select Committee. As regards the first point, I take it that all Honourable Members are aware that under section 7 of the Indian Divorce Act all courts in India granting reliefs under that Act are required to conform to the principles and practice of the English law in the matter. There have been anomalies in that law. In recent years they came specially into prominence and again, as Honourable Members are aware, the recent legislation carried out with a good deal of effort and labour has resulted in removing those anomalies and uncertainties. Apart from the general provision, section 7 of the Indian Divorce Act, which lays down the principles and practice which the courts generally shall adopt in the administration of the law in India, I would also remind the House that, so far as persons of English and Scotish domicile are concerned, that principle was reaffirmed in the Indian Colonial Divorce Jurisdiction Act, which provides that, in respect of persons having a Scottish or English domicile, the grounds on which a decree of dissolution of such a marriage may be granted by any of the courts having jurisdiction in India shall be those on which such decree may be granted by the High Court in England according to the law for the time being in force in England ; and any such court in exercising such jurisdiction shall act on principles and rules as nearly as may be conformable to those on which the High Court in England acts and gives relief. Now, Sir, my point is that, in the present state of affairs, we have a law in the matter which is perfectly clear, perfectly uniform and perfectly free from doubt. Now, I think it would be very undesirable, as things at present stand, to disturb that state of affairs. I will read to the House some observations passed on the Bill by an Honourable Judge of the Patna High Court which seem to me very pertinent :

"The net result of the passing of the proposed Bill of Sir Hari Singh Gour would be that Indian Courts would be granting decrees of dissolution of marriage (thus affecting status of parties which it is important to remember) on two different grounds : that is to say, to Christians (British born), who could for certain reasons claim to have an Indian domicile in the legal sense, on grounds much in advance of those for which a similar decree could be given in England at the present time, and to the same class of people, but probably officers and officials who, although resident of India, could not say that they were domiciled in the strict legal sense, on grounds the same as those (being much restricted) for which a decree would be granted in England. The Bill would not only introduce differences between the law of Divorce in England and that in India but it would have the effect of creating differences in the law in matrimonial causes as administered to different sets of Christians in India itself. * * * * It would be against the best interests of the community to grant divorces in India on grounds different from those upon which parties could obtain the same relief in England, even if India were a self-governing Dominion. But to pass the proposed Bill, thus in effect giving the Indian Courts dual jurisdiction to grant dissolution of marriage to persons professing the Christian religion, would be inadvisable and would probably lead to a large number of collusive petitions, as it would be a great temptation to the parties desiring to dissolve their marriage for reasons which would not entitle them to a decree of dissolution in England, to allege an Indian domicile."

Well, Sir, my point, so far, is this, that the law at present is clear, certain and uniform and that the enactment of Sir Hari Singh Gour's Bill in advance of legislation in Great Britain would introduce an element of very strong discrepancy.

I now pass on to what from the practical point of view is perhaps the most important consideration of all. Any kind of legislation which impinges upon social customs, usages and status ought not to be undertaken without the greatest caution and deliberation, and that is particularly true of the law relating to divorce. It regulates the most intimate personal relations of the community affected. Before the House can reasonably be asked to accept this measure, I venture to say that it ought to stipulate, that there should be a reasonable body of evidence to show that the communities concerned desire an amendment of the law. (Hear, hear). Now, Sir, there is no evidence of that kind before us. Nearly every Local Government has expressed the same view, the view which I think most of us will naturally entertain, namely, that there is much that is admirable in the specific provisions of the Bill but there is not the slightest evidence that the persons affected desire any amendment. So far as non-official opinion is concerned, that is to say, non-Government opinion is concerned, I notice that the Archdeacon of Calcutta, the Bishop of Lahore and various other ecclesiastical authorities have expressed their strong opposition to the Bill. I frankly recognise that in all creeds and denominations there is a tendency for ecclesiastical opinion to be very conservative.

Sir Hari Singh Gour : Are they in favour of any divorce at all ?

The Honourable Mr. J. Crerar : Nevertheless, I think it is reasonable for us to take notice of that fact, because the Archdeacon of Calcutta and the Bishop of Lahore might reasonably be presumed to be in very close touch with, and to represent faithfully, the opinions and desires of their people, and the same point of view has been expressed by them. I note that the European Association of Bengal have expressed precisely that view. The European Association is definitely of opinion that legislation should not be undertaken prior to a strong indication on the part of the public affected that such reform is desirable.

Now, Sir, I am not impinging on or in any way traversing the intrinsic merits of Sir Hari Singh Gour's measure when I say that there is no evidence from the point of view of the demand from the communities directly and deeply affected for the enactment of any such measure. I repeat that that is a point of view to which the House ought to give the very greatest weight.

I now pass to my third, my concluding point. Sir Hari Singh Gour has made, what I hope I may call without any suggestion of offence, an extremely dexterous appeal to the House. He suggested that if the House refers this Bill to a Select Committee it does not really commit itself to any thing more than approving the principle of the Bill, and indeed he said he would be content with that. I would point out—at any rate this is the view I take of the case—I would point out that when this House refers the Bill to a Select Committee it does something more than merely approve the principle of the Bill. A motion of that kind carried by this House undoubtedly also imports the intention of this House that the Bill so referred should proceed through its normal stages to enactment. Sir Hari Singh

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Gour has said that his main object in moving this motion is to focus public opinion. Well, I venture to suggest to him that by the moving speech made by him in this House, by the public speech made by him on the floor of this House he has achieved his object. I do not think that the achievement of that object would be in any way facilitated or carried further by a reference to Select Committee. The Select Committee would sit in private, the Bill will be discussed round a table, but so far as that publicity is concerned, that focussing of public opinion, that stimulation of public opinion which Sir Hari Singh Gour desires, he will achieve nothing more than what I think he has already very effectively achieved. I therefore oppose this motion. (Applause.)

Mr. President : Does the Honourable Mover wish to withdraw his motion ?

Sir Hari Singh Gour : Yes, Sir. After hearing the speech of the Honourable the Home Member I beg leave to withdraw my motion.

(At this stage Colonel J. D. Crawford rose in his place.)

Mr. President : Does the Honourable Member wish to oppose the motion for leave to withdraw ?

***Colonel J. D. Crawford** (Bengal : European) : I would like to place on record the views of the community which I represent.

Mr. President : If the Honourable Member wishes to oppose this motion for leave to withdraw he is perfectly within his right to do so.

Colonel J. D. Crawford : My object in rising to oppose this motion for leave to withdraw the motion is this. Here is a piece of social reform very closely affecting a minority community in this country and it appears to me to be my duty as a representative of that community to place on record the views of our community on the particular measure which Sir Hari Singh Gour has brought before the House. There is no doubt that the wider grounds for divorce which Sir Hari Singh Gour has incorporated in his Bill have a certain amount of general support, but we in India are faced with the fact that the introduction of grounds of divorce which are different from those admissible in England would cause very great confusion to the European community in this country.

Mr. President : Order, order. The Honourable Member must confine his remarks to the motion now before the House, namely, that leave be given to Sir Hari Singh Gour to withdraw his motion. If the Honourable Member confines himself to criticisms of that motion he will be in order.

Colonel J. D. Crawford : My point is simply this, that you will see that the representative of a minority community in this House has had an opportunity of expressing his opinion on the Bill which my Honourable friend has brought forward, in order that that opinion may be placed on record. I trust, Sir, that you will uphold our rights in this matter.

Mr. President : The Honourable Member cannot discuss the question raised by the Bill on this motion. I have confined the debate only to the last motion and I propose to put it to the vote. If the Honourable Member can successfully defeat that motion, he will be in a much better position to place all his views on the Bill on record.

*Speech not corrected by the Honourable Member.

The Revd. J. C. Chatterjee (Nominated : Indian Christians) : I oppose the motion for withdrawal for this reason, that I desire that this motion should be defeated on the floor of the House, and therefore I ask your indulgence to let us place before the House the views of the communities that are going to be mainly affected by it so that the House may be able to reject this motion on the floor of the House and show that the proposed legislation is not wanted.

Mr. President : If the Honourable Member is fortunate enough to convince the House to defeat this motion, he will certainly be entitled to put all his views on record. Does the Honourable Member oppose the motion for withdrawal ?

The Revd. J C. Chatterjee : I oppose the motion for withdrawal because I do desire it to be defeated.

Mr. President : The Honourable Member can only speak on the last motion. If that motion is defeated then the original motion will be open to debate.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : After hearing the few words from my gallant friend, I think it is but fair that this motion for withdrawal should be defeated so that the opinions of minorities could be placed on record. That is a sufficient reason for defeating the withdrawal of this motion.

Mr. President : The question is :

"That leave be given to Sir Hari Singh Gour to withdraw his Bill."

The motion was negatived.

***Colonel J. D. Crawford** : Sir, I have to thank the House for the opportunity given to a minority community to express its opinion on a problem of particular importance to itself. I hope the precedent now created will be one that will always be maintained. The Honourable Sir Hari Singh Gour is known to the House as an ardent social reformer on all matters. He has now spiked his guns upon matters which very largely affect my own community. I might say that I welcome the fact that Sir Hari Singh Gour is an ardent social reformer, and in most cases I am inclined to side with him. In fact the grounds which he would desire to add to those already existing are not ones to which we are opposed in principle. For instance, my own Association has said, that the case for giving these additional grounds may be supported on the grounds of natural justice, public expediency and policy, and that shows that they themselves are not generally opposed to an advance in this matter. But we do find ourselves in a difficulty. The introduction into the Indian Divorce Act of additional grounds for divorce differing from position which we are bound under the English law to occupy will make for confusion ; and I myself am well aware of the confusion which arose only some four or five years ago and of the great difficulty placed upon certain people, and I am not anxious to see that those difficulties should again arise in this case. So far as the residential European is concerned, he is, so far as our legal advisers tell us, subject to the Indian Divorce Act with regard to judicial separation and suits for restitution of conjugal rights, and it would obviously be improper that he should be able to get judicial separation on grounds which differ from those on which he could get it in his own country. It is obviously an

*Speech not corrected by the Honourable Member.

[Col. J. D. Crawford.]

improper position and one which I am quite certain the House would not agree to. Then, when we come to the question of those Europeans domiciled in this country, I in my capacity as General Secretary of the European Association was called upon to consult European opinion throughout the whole of India, and we did not receive any replies which showed us that there was any real demand for this particular reform at the moment, with the result that it would be unwise to support legislation for which there is no real public demand. On those grounds we suggested in our reply that the present legislation was premature and we considered that in the main legislation of this nature should generally be initiated by Government itself. Now those are the reasons which make us believe that at the moment it is injudicious to carry this Bill to the final stages of enactment ; and if we are not prepared to go that far and do not think that it is desirable to go that far at present, surely it would serve no useful purpose in going to a Select Committee even though we had the assurance of the mover of the Bill that he would exclude Europeans and domiciled Europeans from it and that his only purpose to-day was to focus public opinion on this matter. I think, in so far as my community is concerned, we must await reform in England before we undertake a reform of this nature in our divorce laws in this country, and I trust we will get the support of the House to that suggestion, that is, that we should wait for reform in England before we undertake reform out here.

Mr. C. S. Ranga Iyer : Sir, the Honourable Member from Nagpur has no doubt given evidence of his remarkable enthusiasm for social reform. But in this particular Bill I am afraid the Honourable Member has displayed a desire not for social reform but social revolution. Sir, so far as society in any part of the world is concerned, it is generally conservative. Even in the United States of America students of Judge Lindsay's publications will bear out that he has more opponents than friends even in that trans-Atlantic Continent where social reform is supposed to come in a flood. In this conservative country, much as some of the Anglicised people may applaud the Honourable gentleman's desire for social revolution, he will meet with resistance from the people at large ; and so long as this House represents public opinion I am afraid he cannot get a vote of support from this House ; and when a minority, a very strong minority, is entrenched on our side, I do not think the Honourable Member could do anything better than in Shakespeare's language " like a crab backward ". He wanted a withdrawal ; he did not get it. I hope he will make no more attempts at social revolution. It is as well that the Honourable gentleman has feet to climb instead of wings to soar, and by slow degrees, by more and more, he can climb to the submit of our times.

3 P.M.

The Revd. J. C. Chatterjee : I regret I have to oppose the motion proposed by my Honourable friend Sir Hari Singh Gour. I am very sorry that I feel it my duty to do so, especially as I admire very much the great efforts he has been making at social reform. My reasons for opposing his motion to refer his present Bill to Select Committee are three-fold. The first, Sir, has been dealt with by the Honourable the Home Member and I will not go into it very much further, except to say that now that Sir Hari Singh Gour has declared his intention of excluding domiciled Europeans and Europeans resident in this country, and because the Hindus married under the Act he has referred to do not desire divorce,

the only community that is really going to be affected, and very largely affected by this Bill, is the Anglo-Indian community and my own community, namely, the Indian Christian community, which is of course very much larger than the other communities likely to be affected by this Bill if it ever passes into law. I may say as the General Secretary of the All-India Association of Indian Christians that in our community there has not been any considerable desire whatever for any amendment in the social law which Sir Hari Singh Gour very kindly wants to force upon us. I ask him to mention any instances where any responsible leaders of our community, who will as I have said be mostly affected by this Bill, have asked for any such reform. Should such a reform be demanded it would come very much better either from Government or from members of communities that are likely to be affected by this Bill. Therefore, Sir, I submit that since there is no demand for this Bill and it is unwanted, it ought not to have been brought up.

Secondly, I feel it is my duty to oppose it very strongly because I believe that if this Bill were enacted into law, it would be divorcing religion still further from the social every day life of our people. Now, Sir, the majority of Christians in this land, whatever their denomination and whatever their nationality may be, are married by the Christian ceremony of marriage. That ceremony, as is very well known, lays down that when a man and a woman agree upon marriage, they should come to the Church with full knowledge of all that the contract entails, and have to promise that they will stick to each other till death do them part. But if Sir Hari Singh Gour's Bill were to be passed into law, all those people who seek divorce under this Act—I hope there will be very few—will really have been perjuring themselves at what ought to be regarded as the most solemn moment of a man's life. If this Bill were passed it would be more honest to amend the marriage service to read, instead of " till death do us part " into a promise that the contracting parties take each other till one or other of them becomes insane or epileptic or is committed to jail or acquires the habit of drunkenness, and so forth. This would make the marriage service an extremely unwieldy and ludicrous ceremony.

Then again on religious grounds I feel I must absolutely oppose it, because to the majority of Christians in this land, and especially to the Roman Catholic Church, marriage is a sacrament. It is therefore not right that we should at any time support a Bill that strikes at the very root of that idea, and I believe strikes at the very root of society. It may be that some people do desire certain changes in the law of divorce, but after all it is the thin edge of the wedge, and once this process is started we do not know where it will end, and to my mind the Honourable Mr. Ranga Iyer has put it rightly when he said that it would mean a revolution in society.

Finally, I would oppose it on another grounds, namely, that I believe it to be premature. Although Lord Birkenhead and the House of Lords will consider it a compliment that my gallant friend considers them more enlightened than the House of Commons, I still believe that the House of Commons is the true representative of the British nation, and I submit that if public opinion in England had really desired an advance on the divorce law, there could have been found other reformers who would have pressed it in the House

[Revd. J. C. Chatterjee.]

of Commons. Can we really believe that a measure discussed by a Royal Commission could not have been brought forward merely because of pressure of business? I am sorry that my friend is so enamoured of certain practices that prevail on the Continent of Europe and on the Continent of America, but I do believe with the Archbishop of York, who headed the minority on the Royal Commission, that the existing English law is the soundest on this subject. I therefore submit that we in this country have no desire to advance so rapidly as they have done in certain other countries which my friend so much admires. I sincerely hope that this Bill will be rejected once and for all.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Sir, representing as I do a minority community in this House, I wish to say a few words on the Bill before the House as presented by that social performer—I mean social reformer—Sir Hari Singh Gour. My remarks will be very brief. I wish to associate myself with the remarks made by my Honourable and gallant friend, Colonel Crawford. While I readily admit that no religious ceremony such as the one connected with that of marriage ever meant the wedding bells to be converted into funeral bells, and while I am in agreement with the necessity of introducing into the Indian Divorce Act the various points mentioned in section 3 of Sir Hari Singh Gour's amended Act ; I support what Col. Crawford has said with regard to the resulting confusion of having two distinct legislations on divorce—one in England and another in India. Though Government did not ask for the opinion of the Anglo-Indian and Domiciled European Association, I consulted many members of my community, and the consensus of opinion is that the amended Bill of Sir Hari Singh Gour is a very excellent one but it is bound to lead to great confusion in certain marriages contracted by members of my community, and it is mainly for this reason that I oppose the Bill and would advise the Mover to wait till the alteration is made in England. I think Sir Hari Singh Gour would have been better advised had he waited and not pushed the matter to the extent of being, as it were, compelled to withdraw his Bill. If I may be permitted, I should like to give him a little piece of advice in the shape of a little story.....

Mr. President : Order, order, the Honourable Member may do it in the lobby. (Laughter).

Lieut.-Col. H. A. J. Gidney : I do not think I need go to the lobby for this purpose. It is quite an innocuous story I can assure you and I think, Mr. President, even you will agree with this when I sum it up as meaning :

" Leave well alone ".

Sir Hari Singh Gour : I hope the minority communities have sufficiently ventilated their views, and I therefore renew my request.

Mr. President : The question I have to put is :

" That the Bill further to amend the Indian Divorce Act be referred to a Select Committee ".

The motion was negatived.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 43.)

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, the motion that stands in the agenda in my name is that the Bill further to amend the Indian Penal Code be taken into consideration.

But, Sir, with your permission, I propose to move that the Bill further to amend the Indian Penal Code be referred to a Select Committee.

Sir, the Bill which I propose now to be referred to a Select Committee is a very simple one. The object of the Bill has been sufficiently explained in the Statement of Objects and Reasons. I think that I should on this occasion say only a few words to explain my object in bringing forward this Bill and also to explain what the Bill contains. You know, Sir, that the working classes all over the world are poor and when they have to protect their interests against their employers, who are generally very rich and also politically influential, it is necessary for them that they should act in a concerted manner. An individual worker cannot protect his interests against an individual employer, so the worker finds that it is necessary for him to join other workers and thus act all together. Concerted action is taken on some occasions through their trade unions which are either registered or sometimes unregistered. But in a country like India where the workers are illiterate and ignorant, on a large number of occasions they have to take concerted action without any permanent organisation. When the workers act in a concerted manner according to the present laws some of their actions are considered to be illegal. Unfortunately, the laws are made by the Government, which is influenced by capitalists, and the workers have very little voice in passing these laws. Not only are their actions made illegal by the present laws, but also when they take these actions jointly or in a concerted manner, even such civil actions are treated as criminal conspiracy. Sir, the workers suffered from this injustice for many years, but at last in European countries, especially in England, some relief was given to them. The workers were given an immunity from suffering the consequences of some of their actions taken during trade disputes or in furtherance of trade disputes even though these actions were taken jointly or in a concerted manner. For instance, in England they got some immunity by the Act of 1871, the Act which enabled unions to be registered. Then by the Act of 1875, the Act known as the Conspiracy and Protection of Property Act of 1875, as amended by the Trade Disputes Act of 1906, immunity was given both from the consequences of civil conspiracy as well as from the consequences of criminal conspiracy. Sir, I propose to read the English law on this subject as it is given in a circular issued by the Government of India on the 12th September 1921 on the subject of legislation for the protection of trade unions. I am reading this from the circular because there should be no question about the law being correctly stated. The English law on the subject is contained in section 3 of the Conspiracy and Protection of Property Act of 1875 as modified by section 1 of the Trade Disputes Act of 1906. As thus amended the law reads :

" An agreement or combination by two or more persons to do or procure to be done any act in contemplation or furtherance of a trade dispute shall not be punishable as conspiracy if such act committed by one person would not be punishable as a crime."

[Mr. N. M. Joshi.]

This gives immunity from the criminal consequences. Immunity from the civil consequences is contained in the following :

"An act done in pursuance of an agreement or combination by two or more persons shall, if done in contemplation or furtherance of a trade dispute not be actionable unless the act when done without such combination or agreement is actionable."

So you will see, Sir, that the English law gives the workers acting together in furtherance or in contemplation of trade disputes, immunity from the consequences of the law regarding civil conspiracy and criminal conspiracy also.

The Indian Act, called the Registration of Trade Unions Act, also gives immunity from the consequences of civil conspiracy and criminal conspiracy to the members and officers of registered Trade Unions. The sections of the Act which contain this law are sections 17 and 18 of that Act. I shall read section 17 only because my Bill is concerned with that portion.

"No officer or member of a registered trade union shall be liable to punishment under sub-section (2) of section 120B of the Indian Penal Code in respect of any agreement made between the members for the purpose of furthering any such object of the trade union as is specified in section 15 unless the agreement is an agreement to commit an offence."

Section 18 gives immunity to the members and officers of registered trade unions and to trade unions from civil suits in certain cases.

Now, Sir, my Bill is a very modest one. I am not suggesting that the Trade Unions, their members and their officers should be free from the consequences of civil conspiracy when the acts are civil. What my Bill proposes to do is that when two or more workers act in a concerted manner and when their acts are interpreted according to the present law as illegal, their acts should not constitute a criminal conspiracy. I am not suggesting that their acts should not be treated as a civil conspiracy.....

Sir Hari Singh Gour : There is no such thing as a civil conspiracy.

Mr. N. M. Joshi : Very good ; I am glad to hear that. But I am suggesting that those civil acts when taken in a concerted manner should not be treated as a criminal conspiracy. When the acts themselves are civil they should not be treated as a crime simply because the acts were done in a concerted manner by more than two persons. This is my Bill, and as I have stated, it is a Bill which removes one of the injustices which we find in our legislation. Some people think that this Bill is a concession. It is a wrong idea that this Bill gives any concession. This Bill removes one of the injustices which we find in the present law, and if the removal of an injustice is a concession, then my Bill is seeking to give a concession. This Bill seeks to achieve the object which I have placed before this House just now, in the manner given in section 2 of my Bill, namely, by adding a proviso to section 43 of the Indian Penal Code. I have made this provision because I thought this was the proper manner in which my object could be achieved. But as I am dealing to-day only with the principle of the Bill, I am quite ready to hear the opinions and the suggestions of the Members of this House as to how my object should be achieved.

Sir Hari Singh Gour : Your motion is for consideration.

Mr. N. M. Joshi : The Honourable Member was perhaps absent from this House when I made this motion. The Bill was introduced and circulated. Opinions have been received and I have read them. A good number of opinions are in favour of my Bill. I have to admit that some of the opinions are against my Bill. But, Sir, after reading these opinions I found that most of the opinions against my Bill are expressed through prejudice and for want of proper study of my Bill. If you go through those opinions you will find not any discussion or criticism of the provisions of the Bill, but absolutely irrelevant matters. Some say that if my Bill is passed there would not be much encouragement for the registration of trade unions. Some say that my Bill cannot be a good one because there is unrest in the country, and any Bill introduced into the Legislature in favour of workers at this time must be a bad Bill. Some say that in England there is a tendency for tightening legislation against workers and it is wrong in India, in their opinion, to relax the restrictions placed upon the workers. Then there are other reasons given—there is an officer who suggests that the Bill must be a bad one because it proceeds from me, from a gentleman who has received money from Moscow.

Sir Hari Singh Gour : Is not that a good reason ?

Mr. N. M. Joshi : In my judgment this is a very irrelevant consideration.

Sir Victor Sassoon : Is it true ?

Mr. N. M. Joshi : I do not wish on this occasion to go into that question.

Sir Victor Sassoon : Why not ?

Mr. N. M. Joshi : I shall make only one remark on that : I have yet to know a man who treats money as untouchable on account of the source from which it comes. As a matter of fact, Sir, perhaps you may know that most countries in Europe are against Russia, not because they do not want her money, but because they do not get money from Moscow which they wanted. Sir, I shall deal with that subject when somebody else starts it in this House.

Another man says that the Bill must be a bad one because perhaps I am seeking to protect myself and my other colleagues who are taking part in the textile workers' fight in Bombay. Sir, I do not want this House to be influenced by such opinions expressed by people, not from knowledge but on account of prejudice. I have already explained, Sir, what my Bill is. That the Bill is desirable, namely, that it is necessary to give immunities to the workers, is proved by the very fact that Government themselves have given immunity to the members of registered trade unions, and I only ask that this immunity should be given to the other workers. Therefore, nobody here can be against the immunity itself, because the Government themselves have given that immunity to the members and officers of registered trade unions. Therefore, the only objection which some people take is that the immunity should not be given to others. Now, Sir, I do not know why, if immunity is necessary for the members and officers of registered trade unions, it is not desirable for those who do not organise themselves into a union or a trade union or a registered trade union. Sir, you

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know, and the House knows, that in our country the workers have been kept ignorant, and I do not think that any Member of this House will hold the workers responsible for their ignorance and for their illiteracy. If anybody is responsible for their ignorance and illiteracy, it is the Government itself, and, Sir, some of us also for not having done our duty towards them. You cannot therefore penalise the workers, because they have not organised themselves into a registered trade union on account of their ignorance and illiteracy. Moreover, the very fact that in England when immunity was given it was not given to members and officers of registered trade unions or of any trade unions, but immunity was given to all workers who do certain things in furtherance of trade disputes is a good reason that the same thing should be done here. I do not know why that immunity should be restricted to the members of registered trade unions in this country. Some people say that if you give immunity to all, where is encouragement for the registration of trade unions ? I am not at all against the registration of trade unions, and that fact can be proved easily. The Indian law for the registration of trade unions was enacted as a result of a Resolution which I had myself moved in the Legislative Assembly. So the House can rest assured that I am not at all against the registration of trade unions. But what I feel, Sir, is this, that registration cannot or should not be made a reason for denying to the workers some of the immunities if they do not form themselves into registered trade unions. Let the unions be registered as it is a good thing to register a union. But some people may not register their trade unions, and some may suffer from the misfortune of not being members of any union. I therefore think, Sir, that there is not much force in the argument that we should not give these immunities to the workers because there will not be any encouragement for registration. Moreover, Sir, the real encouragement for registration does not consist of the immunities given ; the real advantage of registration is that the union gets a corporate capacity so that the union can hold property and sue and can be sued. (*Sir Victor Sassoon* : " That is one of the disadvantages ".) Sir, this is the advantage of registering a trade union. There may be other advantages, such as that some employers who want to refuse recognition to some unions can do so on the ground that the union is not a registered one. And, Sir, the Government of India thought that the greatest advantage of the legislation was that the employers would recognise the union. When the Government of India issued that circular they never thought that these immunities were a real encouragement for registration. But they thought this, that unions will be encouraged to register because that will give them recognition. I shall read, Sir, only a few sentences from the circular issued by the Government of India in 1921.

Sir Hari Singh Gour : What has that got to do with the Bill in hand ?

Mr. N. M. Joshi : Well, Sir, I will tell you what that has got to do with it.

" Registration will give a legal recognition to the union with definite rights and privileges which unregistered unions do not possess. For instance, unregistered unions might find it difficult to obtain the recognition of employers."

So not much encouragement will be lost by passing this Bill. The encouragement to register trade unions consists in various other factors which will remain and which they will enjoy. Then, Sir, the present law itself, which gives immunity to the members and officers of registered trade unions, does not really give much to the registered trade unions because in the present circumstances even registered unions, when they have to act together in a trade dispute, have to act with people who are not members of registered trade unions. There are hardly any registered trade unions in India which include all the workers in one industry. For instance, in the textile industry in Bombay, we have registered trade unions, but even these registered trade unions all put together cannot have more than say one-tenth of the total textile workers of Bombay as members. So what is the value of the immunity given to the registered trade unions when in a trade dispute the largest number of people are not members of the registered trade unions ?

Mr. President : Order, order. I have given the Honourable Member sufficient latitude. I hope he will bring his remarks to a close.

Mr. N. M. Joshi : Well, Sir, I am explaining the objects of my Bill, and I hope you will show me the indulgence of letting me complete my explanation of the objects of my Bill. There are one or two other remarks which I would like to make. That law, on account of which the civil acts of workers are treated as a criminal conspiracy is a recent Act. That Act was passed in the year 1913. Before 1913, section 120-A. and B. of the Penal Code did not exist and no harm was done before 1913 because section 120-A and B did not exist.

Sir Hari Singh Gour : There was a law of abetment.

Mr. N. M. Joshi : Well, Sir, my friend, Sir Hari Singh Gour, thinks of the law of abetment. But if the law of abetment had served that purpose, the Government of India would not have been unwise enough to pass legislation enacting section 120-A and B. Sir, that is a recent legislation. Before 1913 civil acts done in connection with a trade dispute could not have become criminal conspiracies even though they were done in a concerted manner, and before 1913, no disaster fell upon this country. I therefore think that by passing my Bill the country is not going to suffer much. As a matter of fact, the country will gain something because the workers in this country will get freedom to act in a manner which will enable them to protect their interests. I therefore, think, Sir, that this legislation of 1913, which made civil acts of workers, done in a dispute, criminal conspiracies must now be amended and I trust that this House will approve of my Bill.

There is only one word more that I would like to say, and it is this. There is a kind of safeguard provided in the Criminal Procedure Code against prosecutions under this section, and that safeguard is that prosecutions require the sanction of the Government. Well, Sir, this may be a safeguard when the employers do not happen to be the Government, or when the Government happens not to be influenced by the Indian capitalists. But, Sir, we are living in a day when it is quite possible that on many occasions, in industrial disputes, the Government itself may be the employer. In many provinces, and even in the Government of India, the capitalists may have a very great influence with the Government of the day. I therefore feel, that this safeguard is an illusory one, and perhaps, day by day, it may become still more illusory, because the capitalists of this country are bound to influence the Government more and more. Moreover, in India, the Government is a very large employer of labour. Perhaps the largest employer of labour is Government, and therefore the safeguard that

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the prosecution requires the sanction of Government is not worth much. Then, Sir, it may be said that so far there have not been many prosecutions under this section. It may be so, but you know, Sir, that things are changing, that industries are developing in our country, and that the relations of the employers and their employees are not the same to-day as they were perhaps some years ago, for the very good reason that the workers are being organised and the workers are also being educated. If we want to secure the interests of workers from the effects of such legislation, it is better that the law is made to-day. That is the reason why I have introduced this legislation now. There may not be any case to-day, but the policy which I want to follow is that prevention is better than cure. There are many persons who have expressed the opinion that the need for such legislation has not arisen. Perhaps they do not believe in the maxim which I have just quoted. They want the evil to grow first and then to cure it. That is not a policy which will meet with my approval, and it should not meet with the approval of this House either. If we know that there is an evil, let us use a remedy for it before we begin to suffer from it. I feel, therefore, that this Bill should be referred to a Select Committee.

Mr. President : Motion moved :

"That the Bill further to amend the Indian Penal Code (Amendment of section 43) be referred to a Select Committee."

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Sir, this is a very short Bill and to my mind a very simple Bill which I propose to oppose root and branch. I shall oppose its going to a Select Committee, I shall oppose even its being considered, and I do so for one very good reason. That reason is the smoke cloud of words and legal quotations which my Honourable friend, Mr. Joshi, has found necessary to use in introducing this Bill before this House. A simple little Bill like this which merely asks that the protection which labour already enjoys by merely forming itself into registered trade unions should be widened to those associations which are not registered—that this simple little demand should need the deep researches that he has found fit to make must show, I think, that he is not too sure of his case. I do not propose to follow my Honourable friend, Mr. Joshi, in his legal peregrinations. I will merely point out that on his own showing a country like England which according to him is under the influence of capitalists has allowed the protection which he is asking for, whereas another country which no one can say is under capitalist influence, I refer to Russia, does not allow it. (*An Honourable Member* : "How do you know ?"). They do not even allow their workers facilities for registration. Government there is the only employer and does not allow its workers to strike whether registered or unregistered. The position is a very clear one. The law of this country allows privileges to leaders of labour who constitute themselves into a registered trade union. My Honourable friend, Mr. Joshi, has given us a list of some of the advantages of a registered trade union. I was waiting, and I waited in vain in spite of interrupting him, to find out what disadvantages there were to labour forming itself into registered trade unions. My Honourable friend could not give us one disadvantage. Therefore, if any body of labour can form itself into a registered trade union and get these advantages, why should it not do so ? We have thought fit—we the

Legislature of this country—to give concessions to these registered trade unions. Very well. If anybody wants these advantages, let them register themselves, and in spite of what Mr. Joshi says, they do register themselves. Now, here I find myself in a difficulty as regards the position of Mr. Joshi. I have had very pleasant dealings with Mr. Joshi not only in this Assembly but also in Bombay as he is the leading light, I believe the President, of the most important textile union that is there, a body which Mr. Joshi is endeavouring to run on sound lines. When Mr. Joshi comes to me either directly or through one of his officials and asks that the Millowners' Association should recognise his union and generally suggests that we should restrict our recognition to his trade union.....

Mr. N. M. Joshi : I never suggested that.

Sir Victor Sassoon : Well, it has been suggested by one of his officers—it has been even suggested that it would be to the advantage of the Millowners' Association if they restricted their support to his trade union. It has certainly been suggested by Mr. Joshi, and I must say I have felt inclined to support his suggestion with my friends, that if we not only recognised but supported his union, he would not only get a much bigger personnel, a much larger number of members for his union, but he would also then be in a position to restrain the exuberant spirits of his union if they asked for things that were unreasonable. I thought that was a very good argument. If we supported him, he could say "Look at what I have done. Look at the concessions I have got from the mill-owners. If you are unreasonable and disregard my advice, I will not be able to get you any more concessions". Now, one of Mr. Joshi's great difficulties is that there is apparently, in Bombay at any rate, a great desire on the part of a certain class of persons to run trade unions. In the textile industry, there are a number of trade unions as Mr. Joshi has told us. He did not tell us how many of these unions were registered and how many were unregistered. I do not know if there are a number of unregistered ones, but I do know that they are all competing with each other by making promises to their men, and a mushroom unregistered union can register itself and become a registered union. So we have to differentiate as I think it is obviously better, and I support Mr. Joshi here, that we should support his sound union, even though Mr. Joshi has this disadvantage,—neither he nor his officers have the requisite technical knowledge. They sometimes are misled by their supporters. They are asked to bring forward cases which cannot be substantiated. I do not blame Mr. Joshi. He is not a technical man, and I know he is doing his best to get over those difficulties. I hope the time will come when the union will be able to afford to have a highly technical officer who will be able not only to put their case logically and effectively before the Millowners' Association, but would also be able to sift the rather vague demands of some of their members which cannot be supported by facts. Now, Sir, if Mr. Joshi is so anxious that his trade union should benefit, if he is anxious, as I take it he is, that there should be one union for the textile industry, why should he by this Bill not only allow competition from other registered trade unions but allow competition from any body of people at any period or time, whether organised or otherwise ? That is what I cannot understand. Why should he by this Bill encourage extra competition against his own registered trade union ? That is one of my reasons for opposing this Bill. I see

[Sir Victor Sassoon.]

no reason why we should encourage competition to a well-run registered union such as the one of which Mr. Joshi is the president. I cannot see the advantage. Even if there is to be a mushroom organisation that it is considered can carry out the work for labour better than Mr. Joshi's union can, it has only got to register itself. As I said before, Mr. Joshi has not given us one disadvantage to registering a trade union, and when he says that the people are ignorant and they do not know how to do it, all I can say is that Mr. Joshi is very unflattering to himself and his associates who go about the country advising labour generally. Whenever there is any considerable labour trouble anywhere, one of these gentlemen who know the law just as well, probably better than I do, is generally on the spot to advise labour ; and therefore I think that he has been unjust to himself and to all the energy that he and his friends consume in touring about the country whenever there is any labour trouble when he says that the workers are too ignorant to realise the advantages which existing legislation affords them in registering themselves into trade unions.

Sir, I oppose the motion for reference to a Select Committee.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I rise to oppose the motion also on behalf of Government. When this Bill was before this House on the last occasion, Government did not disguise their opinion that the principles of the Bill were thoroughly unsound and would have to be opposed. They did not, however, oppose the motion for circulation, as a result of which we have a body of opinion which, with due respect to Mr. Joshi, is very generally and wholeheartedly opposed to this Bill. I do not think within my experience of the Government of India I have seen a more condemnatory set of opinions on any Bill which has been circulated, although there are a few, I admit, in his favour. For instance, the whole of the nine Local Governments are definitely opposed to the Bill. Practically every commercial body of importance is opposed to the Bill. The great majority of the High Courts are opposed to it. Even in Mr. Joshi's own province of Bombay, apart from the Local Government, out of 28 bodies consulted, 23 are opposed to it including the High Court, the Bombay Chamber of Commerce and the Indian Merchants' Chamber, and so on.

But I do not wish merely to count heads. On the merits of the Bill or the demerits of the Bill, Government are satisfied that the Bill is harmful ; and our main reason for considering it harmful is this, that it strikes at the very root of the trade union legislation which this House passed only two years ago. The object of that legislation was to introduce some sort of order and responsibility into the growth of trade unions in this country, and this House decided that the best method of procedure was to encourage the growth of registered unions and to confer on those registered unions certain rights and privileges. The principle of Mr. Joshi's Bill was discussed at that time. Mr. Joshi himself, I believe, tried to get it introduced into our present Trade Unions Act, but the House by a majority decided to proceed on the basis of giving privileges to registered trade unions with the object of encouraging the responsible growth of trade unions in this country ; and our objection to this Bill is that we feel sure that if it is passed and unregistered trade unions are allowed to receive

the same protection as registered trade unions do in this respect, there will be much less incentive for trade unions to register and that the whole growth of the trade union movement, which I know Mr. Joshi has at heart, will receive a very serious set-back.

In the second place, apart from its effect on the trade union movement, we consider this Bill a dangerous Bill, because it confers not only on unregistered unions but on any combination of two or three people the power to commit illegal acts short of offences and obtain immunity for them provided they can do so under the colour of some trade dispute or in restraint of trade. Now we think that a very dangerous provision indeed. We see no reason whatever why these privileges should be conferred on groups of people which are not allowed to a single individual. There were reasons for giving these privileges to registered trade unions, as I have said, by way of encouragement to register and because we knew that we would be dealing with responsible people : but in the wide provision of Mr. Joshi's simple Bill, there is lurking a very real danger to law and order, and for that reason also we are opposed to this Bill.

And, finally, Mr. Joshi himself has practically admitted, though he tried to gloss it over, that the Bill is really unnecessary because there are sufficient safeguards against the introduction of prosecutions to make it quite certain that the various worthy people trying to assist trade unions outside recognised trade unions are not likely to be harassed by Government. For all these reasons, because we consider that the Bill strikes at the root of the policy underlying our Trade Unions Act, because we think it goes so far as to be really dangerous to law and order, and because we regard it as unnecessary, I have to oppose this Bill.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, so far as the principle of the Bill is concerned, I beg to submit that the principle is quite unexceptionable. So far as the policy of the law is concerned it may be doubtful whether the policy should favour this Bill. It has just been remarked that there is no law of civil conspiracy. If a person breaks his contract he is liable, but if two or more persons conspire to break a contract their liability is not any the greater. So far as criminal conspiracy is concerned, we have got section 120-B. As Mr. Joshi has remarked, that section was only enacted in 1913, and at the time that change was made in the law it was never contemplated that that change would have any reference to trade disputes. In the Statement of Objects and Reasons attached to that Bill which subsequently became law, it was stated :

> " Experience has shown that dangerous conspiracies are entered into in India which have for their object aims other than the commission of the offences specified in section 121-A. of the Indian Penal Code, and that the existing law is inadequate to deal with modern conditions. The present Bill is designed to assimilate the provisions of the Indian Penal Code to those of the English law with the additional safeguard that in the case of a conspiracy other than a conspiracy to commit an offence some overt act is necessary to bring the conspiracy within the purview of the criminal law. The Bill makes criminal conspiracy a substantive offence, and when such a conspiracy is to commit an offence punishable with death, transportation or rigorous imprisonment for a term of two years or upwards, and no express provision is made in the Code, provides a punishment of the same nature as that which might be awarded for the abetment of such an offence. In all other cases of criminal conspiracy the punishment contemplated is imprisonment of either description for a term not exceeding six months, or with fine, or with both."

So that you will find from a perusal of this Statement of Objects and Reasons that the Bill which subsequently changed the law on this point

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never contemplated that it should be applied to the case of ignorant labourers and illiterate workmen who do not know anything about conspiracy and its results. So far as the criminal law of England is concerned, the law of India has not been assimilated to it, because a safeguard which does not exist in the criminal law of England has been provided for in the Indian law. The reason for that is that in India the law of criminal conspiracy did not grow up till 1913, and even now this provision of the law has not been applied to many cases. And the Legislature has itself recognised that the law is very difficult and complicated and has provided a safeguard in enacting section 196-A of the Code of Criminal Procedure, whereby the right to prosecute has been given to the Government and not to a private person. This is the state of the law, and when we consider that section 10 of the Indian Evidence Act provides that one person who is stated to be a member of a conspiracy becomes vicariously guilty of the acts of others, certainly there is no doubt that the law of conspiracy is very dangerous. It is all the more dangerous in regard to persons who are quite illiterate and ignorant.

Now, Sir, section 17 of the Trade Unions Act provides that the provisions of section 120-B of the Penal Code will not apply to members and officers of trade unions. But this protection is quite useless, because this section only applies to agreements made between members of the union. Suppose five persons are charged under the provisions of section 120-B, and two of them are members of a trade union and three are not, the result will be that the members of the trade union also will not be protected, because the agreement which is sought to be proved will not be an agreement between members of the trade union but between members and non-members, so that whatever protection has been vouchsafed by law becomes nugatory if the supplementary concession is not given to non-members of unions. Then the issue so far is rather overshadowed by the fact that in the opinions that have been received certain objections have been taken on this score that if the Bill was enacted registration would be discouraged. So far as the principle of this Bill is concerned we are neither concerned with registered trade unions or unregistered trade unions. The principle of the Bill is that in the interests of trade if two or more persons conspire together to do something which is not an offence but which only gives rise to civil liability, then those persons are not guilty of criminal conspiracy. The question arises, why should it be confined to the trade only. I submit that so far as the definition of the word "illegal" is concerned, the definition is too wide. This is not my opinion alone. I would refer you to the opinion of the High Court Judges of the Punjab High Court. You will find there also that the change in the law did not contemplate any sort of conspiracy between workers. The opinion of the Judges of the Punjab High Court appears on page 10 of the opinion paper No. 1, and they say :

4 P. M.

"The wording of section 120-A, Indian Penal Code, as it stands, is certainly much too wide. If, for example, A, B, C, D, joint owners of a plot of land, first agree to sell it, and then agree to commit a breach of the contract and some overt act is done in pursuance of the latter agreement, they would apparently be guilty of the offence of criminal conspiracy. I doubt if this was intended. Fortunately there is a safeguard against abuse of this section in section 196-A of the Criminal Procedure Code, according to which sanction is required for institution of proceedings.

Chapter V-A was, I believe, enacted to meet different kinds of conspiracies and it is at least doubtful if combinations of workers or employers were then in contemplation. The proposed Bill only purports to bring the law in India on a line with that in England, and as such does not seem to be open to objection as to its principle."

I fail to see a combination of workers to do a particular act which gives liability for a civil suit and which if not criminally actionable in England should be made a criminal offence in India. So far as the principle of the law is concerned there is absolutely no difference between the jurisprudence of India and England. Almost all these institutions have come from England, and if any piece of legislation in favour of workers also appears there, there is no reason why this House should raise objections of this kind.

Sir, it has been said that registration will be discouraged. I would submit, this is far from being true. If, for the registration of a trade union, this immunity were the only temptation, then it could be said that registration would be affected. But there are greater rights in the members and officers of a trade union. Immunity from civil action has been provided in section 18, and section 19 also gives certain kinds of rights to trade unions. Therefore it is wrong to say that registration will be affected prejudicially. Without admitting that this would be the result, and conceding it for argument's sake, does it stand to reason that we should be a party to certain agreements of workers to do particular acts which would only give rise to civil liability to be made into an offence ? Sir, I would submit, that whatever the policy may be, the principle underlying the Bill is quite unexceptionable. Then, Sir, it is said that in a trade union there are certain restrictions and because of those restrictions, some immunity has been given. But this is entirely wrong. As I have already submitted, the law in England is quite explicit on the point and does not affect the membership of a union which is said to be the basis of giving this immunity. The principle why this immunity should be given is that it is wrong to assume or to declare that a civil wrong becomes criminal if two or more persons combine in doing it, and when this law was enacted these things were never taken into contemplation. Therefore it is not a sort of concession, it is not in principle a deviation from the law of the land, but it is an act of justice, justice to those who deserve it most. It is asked why are these trade unions not registered ? Why do you not organise these workers ? Whose fault is it ? It is not the fault of the workers at any rate. I have read among some of the opinions which have been given against this Bill that they are afraid of Mellers Spratts and other Communists. I do not understand why the issue should be clouded by reference to these extraneous matters. If this is the issue and if the Government thinks many undesirable people are associating with the workers, then the course is open to the Government to see that these persons are prosecuted, or if the Public safety Bill is passed, the matter may be treated in other ways. But to add to the crimes which are provided by the penal laws of this country is not wisdom by itself. I would therefore submit that so far as the principle of the Bill is concerned, it is quite unexceptionable and it should be referred to a Select Committee. I understand there are some defects in the Bill as proposed. The proper place for this exception in my opinion is under section 120B and not under section 43 which in its operation is much

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wider than the provisions contained in section 17 of the Trade Unions Act. But this is exactly the reason why the Bill should be referred to a Select Committee. When the Legislature and the House have once accepted the principle of the Bill, namely, that the civil acts of certain persons who are members of trade unions will not constitute a criminal offence—I think that is the only principle involved in the Bill—then on the basis of the provision contained in section 17, this Bill ought to be referred to a Select Committee.

Mr. Muhammad Yamin Khan : Sir, I move that the question be now put.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, the Honourable Member in charge of Industries and the Honourable Member who represents the Millowners' Association have tried to show that my Bill is not a useful one as it does not give encouragement for the registration of trade unions. I have dealt with that point sufficiently. I have shown that the real encouragement to registration does not consist in the immunity. It consists in giving the registered trade union a corporate capacity.

Sir, I am not surprised that these two gentlemen should express astonishment that I, though an officer of a trade union, should move this Bill. One of the gentlemen belongs to a powerful trade union called the I. C. S. Association. The other belongs to another powerful trade union called the Bombay Millowners' Association. Sir, I am an officer of a trade union, but I think I can say that I am not a narrow-minded or bigoted trade unionist. I consider that a trade union is only a means for the protection of the interests of the workers and where I find that in protecting the interests of the workers as a whole the interests of a trade union may suffer I shall not hesitate to sacrifice the interests of that trade union if they are sacrificed at all by my Bill. Sir, I hope this House will approve of the motion which I have moved.

Mr. President : The question is:

"That the Bill further to amend the Indian Penal Code (Amendment of Section 43) be referred to a Select Committee."

The Assembly divided:

AYES—49.

Abdoola Haroon, Haji.	Jogiah, Mr. Varahagiri Venkata.
Abdul Matin Chaudhury, Maulvi.	Joshi, Mr. N. M.
Aiyangar, Mr. C. Duraiswamy.	Kidwai, Mr. Rafi Ahmad.
Aney, Mr. M. S.	Kunzru, Pandit Hirday Nath.
Ayyangar, Mr. M. S. Sesha.	Lajpat Rai, Lala.
Badi-uz-Zaman, Maulvi.	Lalchand Navalrai, Mr.
Belvi, Mr. D. V.	Mehta, Mr. Jamnadas M.
Bhargava, Pandit Thakur Das.	Misra, Mr. Dwarka Prasad.
Chunder, Mr. Nirmal Chunder.	Mitra, Mr. Satyendra Chandra.
Das, Mr. B.	Moonje, Dr. B. S.
Das, Pandit Nilakantha.	Mukhtar Singh, Mr.
Dutt, Mr. Amar Nath.	Murtuza Saheb Bahadur, Maulvi Sayyid.
Dutta, Mr. Srish Chandra.	Naidu, Mr. B. P.
Farookhi, Mr. Abdul Latif Saheb.	Nehru, Pandit Motilal.
Gulab Singh, Sardar.	Neogi, Mr. K. C.
Haji, Mr. Sarabhai Nemchand.	Ranga Iyer, Mr. C. S.
Hyder, Dr. L. K.	Rao, Mr. G. Sarvotham.
Iswar Saran, Munshi.	Roy, Mr. Bhabendra Chandra.
Iyengar, Mr. S. Srinivasa.	Roy, Rai Bahadur Tarit Bhusan.

Sarda, Rai Sahib Harbilas.	Sinha, Kumar Ganganand.
Shafee, Maulvi Mohammad.	Sinha, Mr. Rajivaranjan Prasad.
Singh, Kumar Rananjaya.	Sinha, Mr. Siddheswar.
Singh, Mr. Gaya Prasad.	Tok Kyi, U.
Singh, Mr. Narayan Prasad.	Yusuf Imam, Mr.
Singh, Mr. Ram Narayan.	

NOES—57.

Abdul Azib, Khan Bahadur Mian.	Mitra, The Honourable Sir Bhupendra Nath.
Abdul Haye, Mr.	Moore, Mr. Arthur.
Abdul Qaiyum, Nawab Sir Sahibzada.	Muhammad Nawaz Khan, Sardar.
Ahmad, Khan Bahadur Nasir-ud-din.	Mukherjee, Mr. S. C.
Alexander, Mr. William.	Parsons, Mr. A. A. L.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.	Purshotamdas Thakurdas, Sir.
Bajpai, Mr. G. S.	Rafique, Mr. Muhammad.
Bharucha, Mr. S. M.	Raghavayya Pantulu Garu, Diwan Bahadur T.
Birla, Mr. Ghanshyam Das.	Rahimtulla, Mr. Fazal Ibrahim.
Bower, Mr. E. H. M.	Rainy, The Honourable Sir George.
Bray, Sir Denys.	Rajah, Rao Bahadur M. C.
Chatterjee, The Revd. J. C.	Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Coatman, Mr. J.	Rau, Mr. H. Shankar.
Cocke, Mr. H. G.	Rogers, Mr. P. G.
Crawford, Colonel J. D.	Roy, Mr. S. N.
Crerar, The Honourable Mr. J.	Sassoon, Sir Victor.
Dalal, Sardar Sir Bomanji.	Shah Nawaz, Mian Mohammad.
Gavin-Jones, Mr. T.	Shamaldhari Lall, Mr.
Ghazanfar Ali Khan, Mr.	Shillidy, Mr. J. A.
Ghuznavi, Mr. A. H.	Simpson, Sir James.
Gidney, Lieut.-Colonel H. A. J.	Singh, Rai Bahadur S. N.
Gour, Sir Hari Singh.	Stewart, Mr. J. A.
Graham, Mr. L.	Suhrawardy, Dr. A.
Hezlett, Mr. J.	Sykes, Mr. E. F.
Hira Singh, Brar, Sardar Bahadur Honorary Captain.	Webb, Mr. M.
Jowahir Singh, Sardar Bahadur Sardar.	Yakub, Maulvi Muhammad.
King, Mr. C. M.	Yamin Khan, Mr. Muhammad.
Lamb, Mr. W. S.	Young, Mr. G. M.
McWatters, The Honourable Mr. A. C.	

The motion was negatived.

THE HINDU MARRIAGES DISSOLUTION BILL.

Sir Hari Singh Gour (Central Provinces Hindi Divisions: Non-Muhammadan) : Sir, I beg to move that the Bill to remove certain doubts regarding the dissolution of marriages of persons professing the Hindu religion, be referred to a Select Committee.

I sponsored a Bill which has been rejected by this House a few minutes ago, and in that connection Honourable Members were asking me whether I was going to include Hindus or exclude Muhammadans and mistook that Bill for this which I am now asking this House to commit to a Select Committee. I hope Honourable Members will now realise that the two things were quite distinct. One had nothing to do with Hindus and Muhammadans, and this has nothing to do with anybody but Hindus.

Sir, on the last occasion when this Bill was circulated, I pointed out that I was doing elementary justice, and that my measure was not a measure of social reform, but of primitive humanitarianism, and that my measure had not only the support of the Smritikars or the sacred text writers, but

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equally of usage for a thousand years, and in my Statement of Objects and Reasons I quoted the sacred texts, upon which I based my small measure.

Mr. D. V. Belvi (Bombay Southern Division: Non-Muhammadan Rural): You have not understood them correctly.

Sir Hari Singh Gour: In the collection of opinions Honourable Members will find the old Pandit's spirit reviving. When you cannot answer a text, you abuse your text writer or your opponent by saying you have not understood it. For three thousand years this battle cry of one man not understanding the other has been agitating the Smritikars and the Shastris with the result that the Hindu law is in an utter state of chaos and confusion.

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Question ?

Sir Hari Singh Gour: But there is one point upon which the text writers are clear. Their language is unequivocal, and their opinions are emphatic. Far back in the dawn of history when the Aryan settlers came to this country there was written that great book, the first Code, the Code of Manu, and in that great book, the most sacred of all legal writings, which is regarded as even an appendix of the Vedas, we find the law of divorce given in unmistakeable terms. Let me quote to you.....

Mr. Amar Nath Dutt (Burdwan Division: Non-Muhammadan Rural): We do not want to hear the Vedas from you. Are you a Brahmin? We do not want to hear the Shastras from a Sudra.

Sir Hari Singh Gour: Now, Sir, it is said,—this is from the translation of the Sacred Books of the East, Vol. 25, page 341.

Mr. Amar Nath Dutt: Not the original ?

Sir Hari Singh Gour: If the husband went abroad for some sacred duty, she must wait for him 8 years; if he went to acquire learning or fame, 6 years; if he went for pleasure, 3 years. Now, that was the utmost limit for the woman to wait for the return of her husband, and then she was free to remarry, and on the husband's return the conjugal relation was at an end. The learned commentators, *e.g.*, the learned Dr. J. Bühler, the translator of Manu, cites a long series of quotations from the sacred writings of Gautam, another writer of great repute in Chapter XVIII, verses 15 and 17, and Vashisht, Chapter XVII, paras. 75 and 80, it is explicitly written,—and Kalukbhat, the reputed commentator of Manu, which is recognised by the orthodox and the reformers alike as the most authentic commentary on this great work of Manu, points out that this separation of the husband and wife *ipso facto* dissolves the marital tie, and after the periods mentioned by Manu the wife is free to remarry. I have mentioned, Sir, these facts for the purpose of informing the House that I am trying here to re-establish the sanctity of a primeval law. It is a law which has been the law of this country for ages past and it has been the law which has been inculcated by the most sacred text-writers upon our Dharmasastras Therefore, I feel, Sir, that I stand upon concrete foundations and in asking this House to support my motion I have at my back the combined authority of the sacred text-writers ever since the dawn of history. I realise, Sir, that in the later decadent periods bad practices came into force and the law of divorce fell into desuetude as the tyranny

of man became more oppressive and the rights of women were trampled upon under the iron heel of man's domination. It is only, I submit, in later periods that this law was in practice held in abeyance. I have said it was held in abeyance but only in certain communities, for to-day it is the established law of all except the twice-born and even amongst the twice-born the practice of the dissolution of marriages is in places customary. I therefore feel that, if I have to cite authorities from the sacred writings, I have the best and the largest and if, Sir, I have to rely upon the usage of my nation, I can confidently say that from the days of a thousand years before Christ, which is the computed period of the compilation of the Code of Manu, down to the second century, when Yagnavalkaya wrote his celebrated treatise, this law was the current law of the land, it was only in the eleventh and twelfth centuries that it became weakened and later on fell into desuetude, as the nation decayed. It is said, Sir, by the great historian of Greece, Grote, that the decline of Greece was heralded by the decline of liberty and the rights of women were the first to be curtailed, which afterwards were destroyed by the invader from Macedonia. I feel, Sir, that what was true of Greece was equally true of my own country. So long as we were free, we gave freedom to men and women, and as that freedom was restricted and confined, we ourselves became chained in the manacles of liberty and we became in course of time a degraded and decadent nation. I hope, Sir, that my fellow-countrymen will realise that the time has now come when we must re-establish our national life and purge the society of scourges that weaken and dismember it, and that we cannot possibly stand before the world as a civilised nation unless we are able to reform, reconstruct, and if necessary, re-establish, institutions for the purpose of bringing social freedom into line with modern conditions of life. And what have I asked for in my Bill ? I have asked, as you are well aware, that if a woman is mated to a husband who is impotent, imbecile or suffering from ulcerous leprosy, then the court should have the power of decreeing a dissolution of marriage. In doing so, you will find, Sir, that I have paraphrased the very language of Vashisth who goes even further and says that if the husband goes abroad after having espoused a maiden, let the madien wait till the menses have passed three times and then choose another bridegroom. The period of three months is considered sufficient to dissolve the tie of marriage. I have cited that great Rishi Vashisth who is regarded as one of the 20 sacred writers by which the community is bound. He has cited the same law. I therefore feel that in asking this House to express its approval of this elementary right which is incorporated in this Bill, I have asked for too little and certainly not for too much. I am perfectly conscious of the volume and strength of orthodox opinion arrayed against me, expressed on the last occasion inside this House, and given expression to in the recorded opinions outside of it. May I, Sir, ask you to consider for one moment that after it has been conceded that marriage is a sacrament—I grant, Sir, that marriage is a sacrament—the very sacred writers have laid down, and laid down with the same pen, that it is a sacrament subject to the condition that it is liable to be dissolved under certain conditions. Can my orthodox friends appeal to one part of the text and forget the other ? Can my friends take away from the text the conditions laid down subject to which the text must be read? And, Sir, in their orthodoxy—I was going to say in their orthodox bigotry—they use expressions and give vent to sentiments which I have great difficulty in understanding. I asked one of my orthodox friends as to what objection he could possibly raise to this Bill. He said, " There is no ob-

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jection to the Bill at all. It is a very good one." Then I said, " Are you going to vote for it ? " He said, " I am not going to vote for it, because orthodox opinion is against it." I said, " By voting for this Bill you will convert that orthodox opinion in your favour." He said, " Yes, that is perfectly true, but the new elections are coming on. This Bill will be used against me ". I am sure that this Bill will be used against me as a large number of Bills of which I have been the unfortunate author have been used against me in the past. But I fear no one, I place truth before my own convenience or advancement, and, if I feel that I am fighting for right and for truth, I do not care if my friends, the orthodox people, repudiate my responsibility and repudiate me as their representative. I stand, and stand committed to asking this House to follow the light. I ask this House to be fearless in their decision, and if they have any objection, if they can conceive of any objection to this enunciation of the most elementary principle, to the declaration of the most fundamental human right, then I ask them " Come forward and say on what grounds you can object to my Bill." I will not listen, and I refuse to listen to the vain plea that orthodox opinion is against it. If you consider orthodox opinion, orthodox opinion has been against all reforms. It has been from time immemorial in favour of human sacrifices. It has been in favour of Suttee. It has been in favour of infanticide. It has been in favour of baby marriages. I ask you, are you going to truckle to this opinion without examining whether it is reasonable or in consonance with the requirements of modern society ? We all have, and I appeal to my Hindu friends, they all have their sisters and daughters married or to marry. I ask them to consult them and see what is their point of view. If they are tied to a husband who is an arrant, raving maniac, and tied at an age when they had no consciousness of what they were doing, when they could not realise the responsibility that was thrown upon their shoulders, can you refuse to them the right of release from that entanglement into which they were thrown by their misguided parents and guardians ? I ask you, Sir, again, from time immemorial,—and I regret to have to say it was provided in the sacred laws that if the husband was impotent the wife was free to go to the *sapindas* of the husband till she conceived and was delivered of a son.

That practice was prevalent equally in the West, though in a somewhat modified and different form. It has been repudiated and rightly repudiated by modern society, but when you have repudiated that vicious custom, have you placed anything in its place ? You have left a vacuum. Have you given in its place any other equivalent as a suitable substitute ? I say, Sir, that the Smritikars have provided for it. If the girl of 5, 6, 10 or 20, it does not matter, is wedded to a husband who is impotent, what is she to do ? Some of my orthodox friends will say " What she has to do she must do in secret ". Now, I ask my Honourable friends, would it not be more honourable that she should come out in the open and say, " I abhor secret intrigues. I am an honest and honourable woman. This man is no good for me and I therefore wish to be released from his bondage and I want to take to myself another husband ". Can any being with a human heart refuse to her this elementary right to provide for herself a husband when she finds that her husband is incompetent ? Take the third case. The husband at the time of the marriage is suffering from ulcerous leprosy. The Smritikars have said "any other incurable disease " which I have left out. I am confining it only to leprosy in my Bill. Now, Sir, you remember what a malignant type of disease leprosy is. It affects not only the wife

but the progeny. Do you think, Sir, it is not a matter of State policy for the Government to prevent the marriage of leprous persons ? Is it not the policy of Government to see that leprosy is stamped out of the land ? We have a large number of humane and benevolent societies coming out to this country to cure the disease. We heard a few minutes ago that prevention is better than cure, and I submit that it would be conducive to the better growth of the nation, to the healthier growth of the nation and to the progress of India if leprous husbands and men were prevented by Statute from contracting marriages; but such is not the law.

Mr. Amar Nath Dutt : What about other diseases ?

Sir Hari Singh Gour : I want you to make an amendment to that effect. Now, Sir, my friend Mr. Dutt has very rightly asked " What about other diseases "; diseases like consumption, or tuberculosis. I am perfectly aware of the terrible dangers of such diseases which are disseminated from man to man, and I feel that if my daughter or my sister had to marry a man who was suffering from galloping consumption and she had to lie in bed with him her fate was sealed. She dies and not only dies, Sir, but dies a miserable death.

Mr. Amar Nath Dutt : I meant other diseases.

Sir Hari Singh Gour : My friend Mr. Dutt is perfectly right in coupling with leprosy other serious diseases, and I hope that he will have the courage of his convictions.

I do not wish to tire this House by going through the volumes of evidence. I am sure that all my friends will feel with me in thinking that this great national injustice to the weaker sex must be redressed. I am, Sir, speaking to the Government Benches and appealing to their human feelings and asking them for their support in the cause of humanity and in the name of the dumb women who are married in this country and who have no means of escape from the impotent, the mad and the leprous husband. They will bless the day when you will pass this measure, they will bless the people who will support me in the passing of this measure. Sir, I feel that I have been trying to gild the gold and paint the lily. I may be forgiven for taking the time of this House in doing so because I feel that sometimes an axiom of Euclid has to be demonstrated upon the blackboard. But, Sir, I am perfectly certain in regard to the elementary rights which this Bill demands to be given to our own female relations that there will not be one dissenting voice, and that this motion of mine will be carried by the unanimous verdict of this House.

Sir, I move.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I am afraid it is rather late in the day to make a speech. I rise to oppose this motion. I yield to none in my desire to give the greatest possible freedom to the women of India, as much freedom as men possess. That is my doctrine and that is my belief. But in spite of that I am opposed to this Bill, as it has been drafted, because I am very strongly opposed to these indiscriminate attempts to introduce changes into the Hindu law or to explain it, particularly where the Hindu law is very clear. My friend has really made out no case for this Bill at all. I do not mean any reflection upon him, no disrespect to him, but much of his eloquence was entirely misplaced. Some of us on this side of the House

[Lala Lajpat Rai.]

are for giving the greatest possible amount of freedom to women, we are among the most advanced social reformers, but as I have already said, I deprecate these ill-considered, hasty measures involving reform by bits and driblets being adopted without considering their consequences upon the other parts of the Hindu law.

Sir, my friend says the Bill is intended to remove certain doubts regarding the dissolution of marriages among persons professing the Hindu religion. Has he shown where the doubt exists ? Has that doubt been expressed in any court of law in any case that came before it ? He has not shown one single case where a doubt has been expressed about this matter. He himself says the law is very clear. He has quoted certain sections of Narad and Vashisth in his Statement of Objects and Reasons, and he says that for three thousand years this has been the law of the country ; and he has also said that most of the Hindus, whether Dwijas or non-Dwijas, practise this law. Where then is the necessity of introducing this measure, and where are those doubts for the removal of which this Bill has been introduced into this House ? I quite agree with my friend that the law is absolutely clear. In fact the Hindu law goes further than this Bill goes, and that itself ought to be a reason for its rejection because it practically limits the operation of those classes of cases in which a Hindu wife can remarry in the life-time of a husband. Has there been any case in which a remarriage of that class has taken place and has been set aside by a court of law ? In that case perhaps there might have been some justification for the introduction of this measure, but my friend has not quoted one such case. Moreover, the drafting of this Bill is extremely clumsy in so far that it practically limits the rights of women to remarriage under certain circumstances only. Looked at on that light it is a reactionary measure. It is not a measure of reform. It is to my mind in effect an interference with the Hindu law as it has been quoted by him.

Then, Sir, you will see from clause 2 that one of the reasons for dissolution of marriage is " imbecility ". This is an English word which the people of this country do not understand, and the Honourable Member has not given any explanation of what he means by imbecility. It may mean anything. It is such a vague expression that I do not think that it should be put in any legislation affecting the social structure of the Hindu community. I therefore submit that my friend will be well advised if he withdraws this Bill for the present.

Mr. President : Will he be allowed to withdraw ?

Lala Lajpat Rai : I think we shall allow him so far as we are concerned. But I wish to give him in all sincerity one piece of advice, and that is this. If he wants to be a real social reformer amongst the Hindus he ought to go a bit slow. He is going too fast for us. He ought to allow public opinion to be created and to be developed on certain points, and he ought to begin with fundamentals. My friend was talking of marriages with lepers and marriages of persons infected with incurable diseases. Why not then begin with those things ? Why start with the dissolution of marriage ? Marriage comes first and dissolution comes after. If he wants to regulate Hindu marriages he should lay down provisions in the first place by which marriages should be regulated, before he deals with the dissolution of marriage. That I think is beginning at

the wrong end. We have rightly begun first of all with the question of child marriages ; that is the proper end to begin from. Then, later on, after that law has been assimilated and accepted by the community at large, he can come up to us with certain other proposals by which undesirable marriages could be stopped or avoided. In that way, if he goes on with the reform of the marriage laws of the Hindus, I think he will be able to build up a sound structure which in the process of time will be accepted by the whole community. But if he takes up just any measure of reform which comes into his head and puts it into the form of a Bill, then I think he is putting hindrances in the way of reform rather than furthering the cause of reform, because he will be unnecessarily causing alarm in the mind of the community. We have to carry certain sections of the Hindu community with us. But in certain matters of essential reform upon which the life and death of the community depend we think the Hindu community has been sufficiently educated and we are prepared to ask for legislation to help us to remove any doubts which may exist. In the case of child marriages there are doubts and therefore we want the help of the Legislature to remove those doubts. But in the case of dissolution of marriages, in the way in which my friend has sought to provide for it according to his own Statement of Objects and Reasons, there are no doubts. He himself says, this is the law of the land, and it has been the law of the land for 3,000 years. Then if that is the law of the land, where is the doubt and why introduce this Bill ? Are we going to re-enact the whole of the Hindu law and codify it bit by bit without considering the consequences of such codification on other parts of the Hindu law, for instance, the law of succession ? I might point out that one of the laws hastily enacted by this Legislature and introduced by my friend has caused such confusion in the rules of succession and inheritance that perhaps some of us will be compelled to bring forward a measure either to repeal or amend that measure. I therefore beg of him not to go on with hasty legislation. After all marriage is a very important matter. Let us by all means exert to regulate marriages on a human and sound basis ; then afterwards we can proceed with the dissolution of marriages too. I state upon the floor of this House that I am not against the principle which he wants to embody, but I submit that that principle is already recognized by Hindu law. If anybody wants to take advantage of those provisions of the Hindu law, there is nothing to prevent him or her doing so. There is therefore no need to bring in a proposal to legislate on a matter which is already provided for in the Hindu law. He has not shown at all that any doubt has been thrown on the validity of those provisions of the Hindu law which he quotes.

I therefore beg of him, that instead of having this Bill rejected or doubt thrown upon its propriety, he should withdraw this Bill and postpone its introduction if so advised to a later period.

(*Cries of* " Withdraw, withdraw.")

Sir Hari Singh Gour : Sir, my learned friend who has spoken on the subject is a lawyer, but I must tell him that he has betrayed some ignorance of the elementary procedure of the courts. He has asked me to cite a single case. Will he go down and read the Civil Procedure Code and he will find pages and pages where the British courts have laid down that they have no matrimonial jurisdiction, and the question

[Sir Hari Singh Gour.]

as regards dissolution of marriage is therefore a question for caste autonomy, and when it is decided there, all that the civil courts can do is to declare the fact whether a dissolution has or has not taken place.

Lala Lajpat Rai : There is a law that punishes bigamy.

Sir Hari Singh Gour : There is such a law, but I do not understand my friend's reference to it. We are not dealing with the question of bigamy, but of dissolution of marriages.

Now, the position therefore is that a doubt is created in this way. So far as the Hindu law is concerned, it is perfectly clear, as I have pointed out that for a long period of time custom has modified that law, and that custom has made dissolution of marriages impossible. The result has been, therefore, that only in certain local areas and among certain castes marriages are dissolved according to the rules of the caste, and when they are dissolved the parties whose marriages have been dissolved are free to go to the civil court and obtain a declaration regarding dissolution of their marriages. That is all the jurisdiction that courts have got, the substantive law being, as I have pointed out, and the custom having overridden the law, there is doubt as to whether the custom has so overshadowed the whole law that the law has ceased to exist or that the law must shine in its pristine purity in spite of the excrescences of custom, and that is a doubt which can only be resolved by this House and the Central Legislature.

My Honourable friend says with one breath that I am going too fast for a social reformer and if I wish to carry the mass of Hindu society with me I must move more slowly. In one sentence my friend says that my Bill is very moderate, and in another that it is a reactionary Bill. It cuts down the very principles of Hindu law which allows dissolution of marriage in a large number of cases. Well, Sir, I am accustomed to hearing these sophistries. They do not emanate from my friend, but when you have come to one conclusion and you have to find reasons for supporting those conclusions, the resultant effect is a confusion of ideas, and that is exactly what has overcome my Honourable friend on the other side. Having come to the conclusion that he must oppose this Bill, he had to find some reason for it, and while he says in one sentence that the subject of my Bill is already provided for by Hindu law, in another sentence he says it does not go far enough, and in the third sentence he says it goes too far.

5 P. M.

And these are the three contradictions as my Honourable friend Mr. Kabeeruddin Ahmed puts it in the speech of my Honourable friend which at any rate might have had the merit of consistency. Sir, I do not wish to press this motion upon this House if the bulk of my countrymen are opposed to it. I tabled this Bill with the concurrence of a large number of my friends. If I should name them, they would probably say that they have since changed their minds. (Laughter.) But I can assure you, Sir, that there is a bulk, and a large body of public opinion behind this measure: (*Honourable Members* : " No, no.") If this House was not a house of mere men, but a House in which women were sufficiently represented, I am sure they would have torn my Honourable friend's arguments to pieces and it would have been difficult for my friend to emerge from the doors of

this House (Laughter), because I am perfectly certain that he would have been surrounded and mobbed by the fairest of the fair sex who would have said : " How can you deny to us our elementary rights ?"

Lala Lajpat Rai : Nobody denies that right.

Sir Hari Singh Gour : But, Sir, my Honourable friend is perfectly right. The time is not yet ripe and because that time is not yet ripe, I take his advice and I will renew this measure on a more propitious occasion.

Mr. President : Order, order. If the Honourable Member wanted the leave of the House to withdraw his motion, he should not have made this speech.

Sir Hari Singh Gour : I want to give reasons why I am withdrawing the motion.

Mr. President : Order, order. Does the Honourable Member ask for leave to withdraw ?

Sir Hari Singh Gour : Yes, Sir.

Mr. President : The question is :

" That leave be given to Sir Hari Singh Gour to withdraw his Bill."

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 10th September, 1928.

LEGISLATIVE ASSEMBLY.

Monday, 10th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBER SWORN :

Mr. Jehanghir K. Munshi, M.L.A. (Burma : Non-European).

QUESTIONS AND ANSWERS.

Administration of the Fines Funds on Railways.

293. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state if there are any rules governing the administration of the Fines Funds on Railways ; and if so, will the Government be pleased to lay a copy of it on the table ?

(*b*) Is it a fact that the bulk of the Fines Fund is contributed by the Indian employees of Railways ?

(*c*) Is it a fact that the late Agent of the Madras and Southern Mahratta Railway (Sir Ashley Biggs) sanctioned out of the Fines Fund a sum of Rs. 5,000 for a farewell entertainment to himself ?

Mr. A. A. L. Parsons : (*a*) I have been unable to discover any rules except an old circular of 1880, which lays down that all fines levied from employees on the revenue staff of State Railways should be credited to a fine fund, that no disbursements from the fund should be made except under the order of the Manager or other chief official of the Railway, and that the fund should be utilised for the benefit of the emplyees and their families. It also contains a few provisions about depositing the assets of the fund in the Government Savings Bank. If the Honourable Member wishes, I will send him a copy of this circular, but he must understand that a good deal of it is obsolete. At present the position is that the administration of the fund is left to the Agent of the Railway.

(*b*) Yes.

(*c*) No. On the Madras and Southern Mahratta Railway the fine fund is devoted entirely to the benefit of the subordinate staff, and the late Agent neither gave nor was given a farewell entertainment, nor was any grant made from the fine fund for such purpose.

Mr. N. M. Joshi : Am I to understand that the Government is making rules for the administration of the Fines Fund ?

Mr. A. A. L. Parsons : We are considering the whole question, Sir, as the result of the suggestion which the Honourable Member himself made at the last budget debate. We are considering with Agents the question of forming some kind of committee, on which the employees themselves will be represented, to manage the fund under the Agent.

Mr. N. M. Joshi : May I repeat, Sir, a supplementary question which I asked sometime ago as to information about the use of the Fines Funds. Where is that information to be obtained, as the figures are now deleted from the Railway Board's Report ?

Mr. A. A. L. Parsons : At the moment, Sir, I cannot say that the information is available anywhere : but when we consider what the future administration of the Fines Fund is to be, I will then consider also how this information should be made available to this House.

Mr. N. M. Joshi : May I ask, Sir, whether the Railway Board will consider the advisability of issuing a report on the administration of the Fines Fund ?

Mr. A. A. L. Parsons : I am certainly prepared to consider the question, Sir.

ADMISSION OF THE INDIAN RAILWAY MAGAZINE TO THE PRIVILEGES OF THE PRESS ROOM OF THE GOVERNMENT OF INDIA.

294. ***Mr. N. M. Joshi** : (*a*) Will the Government be pleased to lay on the table a list of journals to whom the privileges of the Editor's table of the Government of India are extended ?

(*b*) Are the Government aware that the Indian Railway Magazine (Madras) has been devoting itself during the last 3 years to a discussion and consideration of railway questions ?

(*c*) Is it a fact that the Indian Railway Magazine has twice applied to the Government of India to be favoured with the Editor's table privileges so far at least as the Railway Department is concerned, so as to facilitate its work and that its application was supported by Diwan Bahadur T. Rangachariar and that both the applications were rejected ?

(*d*) Do Government propose to include the said magazine in the list of journals to whom the Editor's table papers of the Government of India are supplied ?

The Honourable Mr. J. Crerar : (*a*), (*c*) and (*d*). As the term used by the Honourable Member is open to more than one interpretation, I must explain that the supply to the Press of communiqués and notifications of the Government of India and similar papers is a matter distinct from the free supply of reports and publications generally. The procedure in the former case is that the papers in question are laid in the Press Room at the headquarters of Government, where they are available to the representatives of such News Agencies and Journals as are given this privilege. A list of the agencies and newspapers whose representatives at present have access to the Press Room is laid on the table. The Editor of the Indian Railway Magazine was informed of this some time ago, and was instructed, if he wished his representative to be admitted to the Press Room, to make application through the Local Government ; but no such application has been received and the Government of India have, consequently, not considered the matter further. The free supply of Government publications is a separate matter. As the editor has already been informed, these have been rigorously curtailed on grounds of economy, and Government do not see their way to supply any of their publications free of charge to the Indian Railway Magazine.

(*b*) Yes.

List of Newspapers and News Agencies whose representatives have been admitted to the Press Room of the Government of India.

1. Reuters.
2. Associated Press of India.
3. Simla Times.
4. Times of India, Bombay.
5. Statesman, Calcutta.
6. Press Press of India.
7. Hindustan Times, Delhi.
8. The General News Agency, Delhi.
9. Pioneer, Allahabad.

RECEIPT BY TELEGRAPH PEONS OF PAYMENT FOR MORE THAN ONE TELEGRAM DELIVERED AT ONE ADDRESS.

295. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether the Director General of Post and Telegraph Department has issued a circular that a batch of 5 telegrams or fraction thereof delivered at the same time and to the same addressee should be counted as one telegram for the purpose of determining task work earnings ;

(*b*) whether this practice will not reduce the earnings of the messengers ;

(*c*) whether Government have in some other way arranged to increase the emoluments of the messengers to compensate for the loss caused by the new circular ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Yes, to a small extent.

(*c*) No compensation is called for. Government have decided that the earnings which have been lost were irregular.

Mr. N. M. Joshi : May I ask whether, though the earnings were irregular or not, these people are suffering a loss in the earnings which they used to make for many years ?

The Honourable Mr. A. C. McWatters : I have said already in answer to (*b*) that there was a loss to a small extent. I may explain to the Honourable Member that the practice, which relates to telegraph peons receiving payment for more than one telegram delivered at one address, was contrary to the Post Office regulations, and the practice, which had grown up in a few Circles, was irregular and its discontinuance has been ordered.

RECRUITMENT OF INDIANS TO THE GENERAL SERVICE IN THE TELEGRAPH DEPARTMENT.

***Mr. N. M. Joshi** : Will the Government be pleased to state whether it is a fact that no Indian is recruited directly to the General Service in the Telegraph Department ?

RECRUITMENT OF INDIANS TO THE GENERAL SERVICE IN THE TELEGRAPH DEPARTMENT.

297 *Mr. N. M. Joshi : (a) Will the Government be pleased to state whether it is a fact that it is only Europeans and Anglo-Indians that are directly recruited to the General Service and that Indians can enter the General Service only by recommendation and selection from the Station Service ?

The Honourable Mr. A. C. McWatters : With your permission, Sir, I shall answer questions Nos. 296 and 297 together. The reply is in the negative. The Honourable Member is referred to the revised rules for the recruitment of telegraphists, a copy of which will be supplied to him.

NUMBER OF INDIANS IN THE FIRST DIVISION OF THE TRAFFIC BRANCH IN THE TELEGRAPH DEPARTMENT, ETC.

298. *Mr. N. M. Joshi : Will Government be pleased to state :

(a) how many Indians as distinguished from Anglo-Indians are in the First Division of the Traffic Branch in the Telegraph Department ; and

(b) the number of Indians and the number of Europeans and Anglo-Indians in the Second Division of the Traffic Branch of the same Department ?

Mr. P. G. Rogers : (a) Indians—3 ; European—1 ; and Anglo-Indians—10.

(b) Indians—4 ; European—1 ; and Anglo-Indians—30.

Mr. N. M. Joshi : May I ask why the number of Indians is so small ?

Mr. P. G. Rogers : It is due to the previous system of recruitment.

Mr. N. M. Joshi : Is that number likely to be increased very soon ?

Mr. P. G. Rogers : Yes.

NUMBER OF MEN REVERTED FROM THE EXPERIMENTAL WIRELESS BRANCH TO THE TRAFFIC BRANCH OF THE TELEGRAPH DEPARTMENT, ETC.

299 *Mr. N. M. Joshi : Will the Government be pleased to state the number of men reverted from the experimental Wireless Branch to the Traffic Branch from which they were chosen ?

(b) How many so reverted are Indians and how many of them are Europeans or Anglo-Indians ?

(c) Is it a fact that men are being compelled to do night duty almost every other night in contravention of the rules laid down for night duties and are being compelled to work overtime far in excess of that prescribed in the rules ?

(d) Do Government propose to inquire into the conditions under which these men are forced to work in excess of that required of them by the rules ?

Mr. P. G. Rogers : It is presumed that the Honourable Member refers the staff employed in the Madras-Rangoon Wireless Wheatstone Experiment. If so, the replies to the question are :

(a) 4 men reverted to the Traffic Branch.

(b) All the 4 are Indians.

(c) Service in the Wireless Branch is such that wireless operators must necessarily carry out regular duty at night and on holidays in excess of that required in the Traffic Branch of the Department and this additional requirement was considered in fixing the special wireless allowances which have been granted also to the wireless Wheatstone staff. As this is a necessary feature of the wireless Wheatstone Experiment, operators who are not willing to conform to these conditions cannot be retained. The system of calling for volunteers has been adopted and there has been no compulsion in the selection of candidates.

(d) In view of the answer to (c) this question does not arise.

Mr. N. M. Joshi : May I ask on what principle the selection for reversion was made ?

Mr. P. G. Rogers : The selection for reversion was made in this way. These particular men were not willing to comply with the conditions of work which were necessary for working the Madras-Rangoon Wireless Experiment.

TERMINATION OF THE CONTRACT WITH CERTAIN ANGLO-INDIAN SCHOOLS FOR TRAINING TELEGRAPHISTS.

300. *Mr. N. M. Joshi : (a) With reference to reply given on 1st February last to my starred question No. 27, regarding the termination of the contract with certain Anglo-Indian schools for training telegraphists, will Government be pleased to state whether they have come to a decision regarding the revised method of recruiting telegraphists ?

(b) If so, what is that revised method and have the contracts referred to been terminated ?

(c) If no decision is arrived at, why is delay being caused ?

The Honourable Mr. A. C. McWatters : (a) and (b). Yes. The Honourable Member is referred to the revised rules for the recruitment of telegraphists, a copy of which will be supplied to him in connection with his starred question No. 296.

Notices terminating the contracts within the calendar year 1929 have already issued.

(c) Does not arise.

TRAINING OF INDIANS AS WIRELESS OPERATORS.

301. *Mr. N. M. Joshi : With reference to the reply given to my starred question No. 29 on 1st February last regarding the employment of Indians as wireless operators, will the Government be pleased to state whether any Indians are now under training as wireless operators and, if so, how many and how many of the total are Anglo-Indians ?

The Honourable Mr. A. C. McWatters : On 15th August, 1928, there were 16 telegraphists under training for wireless. Of these 11 were Indians, and of the remainder 2 were Anglo-Indians.

Mr. N. M. Joshi : May I ask whether steps were taken to select Indians from different provinces ?

The Honourable Mr. A. C. McWatters : I shall have to ask for notice of that question.

ABOLITION OF RAILWAY MAIL SERVICE CIRCLES.

302. ***Mr. Ismail Khan** : (*a*) Is it a fact that the Government of India extended the date of abolition of the R. M. S. Circles from 1st July to 1st November on a representation from the staff of the office of the R. M. S., Northern Circle, stating that in consequence of the short notice of the decision of Government in the matter the employees would be inconvenienced in respect of the education of their children and in getting housing accommodation in the rainy season ?

(*b*) Are Government aware that the postponement of the abolition till the 1st November will not remove the inconvenience of the employees in the matter of the education of their children ?

(*c*) If the reply to (*a*) and (*b*) is in affirmative, do Government propose to extend the date to 1st April, 1929, and if in the negative, will the Government be pleased to state the reasons which render it absolutely necessary to abolish the office ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) and (*c*). A representation has been received and the whole question is under examination.

ADVANCED INCREMENTS GRANTED TO OFFICIALS OF THE OFFICES OF THE DIRECTOR-GENERAL, POSTS AND TELEGRAPHS, AND THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS, ON THEIR TRANSFER FROM CALCUTTA TO DELHI.

303. ***Mr. Ismail Khan** : (*a*) Is it a fact :

(*i*) That the Government sanctioned 5 advance increments to each official of the Director General, Posts and Telegraphs, and Accountant General, Posts and Telegraphs, on their transfer from Calcutta to Delhi ?

(*ii*) That the cost of living in Delhi is cheaper than that in Calcutta ?

(*b*) If the reply to (*i*) and (*ii*) is in the affirmative, do Government propose to grant the same number of advance increments to the officials to be transferred to Lahore, Lucknow and Karachi from Ambala ?

The Honourable Mr. A. C. McWatters : (*a*) (*i*). No.

(*a*) (*ii*). Yes.

(*b*) In view of the reply to part (*a*) (*i*) above, this does not arise.

TUBERCULOSIS IN DELHI.

304. ***The Revd. J. C. Chatterjee** : Has the attention of Government been drawn to the note addressed by Major Webb, I.M.S., Assistant Director of Public Health, Delhi Province, to the members of the Delhi Municipal Committee, on the prevalence of tuberculosis in the city and particularly to the opinion expressed in the note as follows :

"I am of opinion that you cannot and will not effect the real solution of the problem of tuberculosis in your Delhi until the congested state of the city has been relieved" ?

Mr. G. S. Bajpai : The Government of India have not seen Major Webb's note but have seen a summary of it in the newspapers.

The Revd. J. C. Chatterjee : Will Government be pleased to state if any action was taken on the report made at the instance of Government by Dr. Arthur Lankaster in 1915-16 on tuberculosis in India ?

Mr. G. S. Bajpai : Yes, Sir ; the report of Dr. Lankaster was circulated to Local Governments.

The Rev. J. C. Chatterjee : Will Government be pleased to place some copies of Dr. Lankaster's report on tuberculosis in the Library ?

Mr. G. S. Bajpai : I shall consider that suggestion.

SCHEME FOR CITY EXTENSION SUBMITTED BY THE DELHI MUNICIPALITY.

305. ***The Revd. J. C. Chatterjee** : (*a*) Is it a fact that the Delhi Municipality submitted last year a scheme for city extension, along the land lying vacant outside the city wall, between the Delhi and Ajmere Gates ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state what action they have taken or propose to take in connection with the scheme ?

Mr. G. S. Bajpai : (*a*) No such scheme has been submitted to the Government of India.

(*b*) Does not therefore arise.

Revd. J. C. Chatterjee : Have the Government of India seen in the public Press extracts from the scheme or comments on the scheme submitted by the Delhi Municipality ?

Mr. G. S. Bajpai : The Government of India have not seen any reference in the public Press to this particular scheme. Of course, they have had before them schemes relating to the removal of congestion which exists in certain parts of Delhi.

PROVISION OF DRAINAGE AND WATER SUPPLY TO THE WESTERN EXTENSION OF DELHI CITY KNOWN AS KARAUL BAGH.

306. ***The Revd. J. C. Chatterjee** : (*a*) Is it a fact that the western extension known as Karaul Bagh is still without drainage and water supply ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state when they propose to provide the grant asked for by the Delhi Municipality for the provision of these facilities ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The schemes for water supply and drainage in the Western Extension have been recommended by the Municipality and the Chief Commissioner, Delhi, for inclusion in the 5-year programme of expansion of

medical and public health facilities in Delhi Province and the Government of India hope to be able to consider these schemes along with the rest of the programme.

The Revd. J. C. Chatterjee : Will Government be pleased to give some assurance as to when this drainage scheme is likely to be started considering that it is now over ten years since this settlement was established by Government themselves ?

Mr. President : No argument is permissible.

The Revd. J. C. Chatterjee : Will Government be prepared to give some assurance as to when this drainage scheme is likely to be completed ?

Mr. G. S. Bajpai : I cannot give an assurance as to when the drainage scheme is likely to be completed, seeing that I am not in a position to give an assurance when it is to be taken in hand, but I can give the Honourable Member an assurance that we shall consider the scheme as soon as possible.

HOUSE SHORTAGE AND HIGH RENTS IN DELHI.

307. ***The Revd. J. C. Chatterjee** : (*a*) Has the attention of Government been called to an article that appeared on page 6 of the *Statesman* of the 20th June, 1928, under the heading " House Shortage and High Rents " and a similar article in the *Pioneer* of the same date under the heading of a " Delhi Letter " ?

(*b*) Will Government be pleased to state whether the statements made in that article are substantially or partially correct ?

Mr. A. A. L. Parsons : (*a*) Government have seen the articles mentioned.

(*b*) Only 8 bungalows, and not 20 as stated, have been rented in Civil Lines for officers of the North-Western Railway. It is probably true that the establishment of the Clearing Accounts Office at Delhi has increased the difficulty of finding accommodation. The Railway Board are now considering what steps should be taken to house the clerks of this office.

INFLUX OF OFFICERS, CLERKS AND OFFICE SERVANTS INTO DELHI CONSEQUENT ON THE TRANSFER OF CERTAIN OFFICES TO THAT PLACE.

308. ***The Revd. J. C. Chatterjee** : (*a*) Will Government be pleased to state the approximate number of officers, clerks and office servants brought into Delhi with the transfer to that city of the following offices :

1. Office of the Accountant General, Posts and Telegraphs.
2. Railway Accounts Clearing Office.
3. Divisional Offices of the North Western Railway.
4. Northern India Salt Department ?

(*b*) Will Government be pleased to state what housing accommodation has been provided for the officers, clerks and servants connected with the offices named in (*a*) above ?

The Honourable Sir Bhupendra Nath Mitra : The information required by the Honourable Member is being collected and will be furnished to him as soon as possible.

NUMBER OF BUNGALOWS RENTED BY THE NORTH WESTERN RAILWAY IN THE CIVIL LINES AND DARYA GANJ, DELHI.

309. ***The Revd. J. C. Chatterjee** : Will Government be pleased to state the number of bungalows rented in the Civil Lines and Darya Ganj by the North Western Railway for the accommodation of officers or offices ?

Mr. A. A. L. Parsons : 8 bungalows have been rented in Civil Lines for officers of the North-Western Railway. No bungalows have been rented in Darya Ganj.

The Revd. J. C. Chatterjee : Have any bungalows been rented for railway offices in the Civil Lines, such as the Railway Mail Service office and so forth ?

Mr. A. A. L. Parsons : Railway Mail Service offices are not railway offices, Sir. I am quite unable to give an answer except with regard to the North-Western Railway, the figures for which I have already given to the Honourable Member.

PROVISION OF HOUSING ACCOMMODATION IN DELHI FOR THE OFFICERS AND STAFFS OF THE GOVERNMENT OFFICES TRANSFERRED TO THAT PLACE.

310. ***The Revd. J. C. Chatterjee** : Will Government be pleased to state what steps they propose to take to provide housing accommodation in Delhi for the officers and staffs of the Government offices transferred to it ?

The Honourable Mr. A. C. McWatters : Presumably the Honourable Member has in mind the offices mentioned in question No. 308. As far as the offices of the Accountant General, Posts and Telegraphs, the Northern India Salt and Revenue Department are concerned, which have now been located in the temporary Secretariats, there is no intention to provide further housing accommodation in Delhi. When Army Headquarters move to New Delhi, the accommodation thus set free should be sufficient for all these demands. The possibility of making some suitable arrangements for quarters for the ministerial staff of the Railway Clearing Accounts Office is under investigation.

WATER SUPPLY OF DELHI CITY.

311. ***The Revd. J. C. Chatterjee** : (*a*) Has the attention of Government been called to the debate which took place at a special meeting of the Delhi Municipality held on the 11th July, 1928, on the subject of the water supply of Delhi City and the resolution passed at that meeting, urging representations to the Delhi Joint Water Board, for reduction of the water rate charged from the Delhi Municipality as the rate was said to be considerably in excess of the cost incurred by the Municipality when it maintained its own water works ?

(*b*) Will Government be pleased to state what is the cost of pumping per thousand gallons of water, incurred by the Joint Water Board, and the rate charged for supply by it to the Delhi Municipal Committee ?

(*c*) If the cost incurred by the Joint Water Board is in excess of the price guaranteed to the Municipal Committee, will Government be pleased to state, how the loss so incurred is met ?

The Honourable Mr. A. C. McWatters : (*a*) Not specifically ; but they understand that a copy of the proceedings of the special meeting was received by the Chief Commissioner in the ordinary course.

(*b*) The cost of supplying water in 1926-27 on 11 months' working including interest and repayment of loan and sinking fund was 3.27 annas per thousand gallons. The final figures for 1927-28 are not available as yet but the rate is not likely to be above 3.10 annas per thousand gallons. The rate charged to the Delhi Municipal Committee is 3 annas per thousand gallons.

(*c*) The loss incurred is met in the manner provided for in section 13 (4) of the Delhi Joint Water Board Act, 1926.

AVERAGE COST OF PUMPING WATER AND THE AVERAGE DAILY VOLUME OF THE OUTPUT OF WATER IN DELHI.

312. ***The Revd. J. C. Chatterjee :** (*a*) Is it a fact that when inviting the Delhi Municipality to participate in the Joint Water Board Scheme, the Chief Commissioner in his letter No. 0156-W., dated Raisina, the 13th October, 1923, to the Deputy Commissioner, Delhi, stated that the Chief Engineer had estimated that the actual pumping cost of water, taking interest on half the capital figures, was likely to work out to some figures between 2 annas 6 pies to 2 annas 9 pies per 1,000 gallons on 8 million gallons, and that the rate would diminish as the volume increased ?

(*b*) Will Government be pleased to state, what the actual average cost of pumping water has been for the last three years and the average daily volume of the output of water during this period ?

(*c*) If the average cost of pumping has been in excess of the estimate furnished by the Chief Engineer, will Government be pleased to state, what are the reasons for such an excess ?

(*d*) Will Government be pleased to state what was the cost of pumping per thousand gallons of water incurred by the Delhi Municipality, and the average daily output, before the Municipal Water Works were acquired by the Joint Water Board ?

The Honourable Mr. A. C. McWatters : (*a*) The answer is in the affirmative.

(*b*) Final figures for 1927-28 are not available at present. The Joint Water Board began to function with effect from 1st May 1928 only.

(*c*) The Chief Engineer's estimate was based on an assumed daily supply of 8 million gallons and when that figure is reached, it is hoped that the cost will be within the Chief Engineer's estimate. The present supply is about 7 million gallons.

(*d*) The Delhi Administration Reports give the quantity supplied and cost of supply as follows :

1921-22	4.18 million gallons	2.30 annas.
1922-23	4.21 million gallons	2.68 annas.

These figures do not include any thing for administration, interest on capital, depreciation charges and sinking fund. The two years for which figures are given are the last two years during which the Municipal Committee was in exclusive charge of the water works.

CONTAMINATION OF THE WATER SUPPLY OF DELHI CITY.

313. ***The Revd. J. C. Chatterjee :** (*a*) Has the attention of Government been drawn to the statements made by the Medical Officer of Health of the Delhi Municipality, to the effect that the water supply of the city in some of the most congested parts had been found to be contaminated with acid and gas forming bacteria detected in samples of 60 c. c. of drinking water, and that he believed this to be due to a number of water pipes passing through drains and sewage pipes ?

(*b*) Is it a fact that the Delhi Municipality have for some time been urging the Government of India to give them an adequate grant or loan, to improve the system of water distribution in the city ?

(*c*) In view of the contamination of the water supply of the city and the serious dangers to public health resulting therefrom, will Government be pleased to state what steps they propose to take to assist the Delhi Municipality in dealing with this urgent problem ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) and (*c*). The improvement of the water supply in Delhi City is one of the items recommended by the Municipality and the Chief Commissioner, Delhi, for inclusion in the 5-year programme to which I have already referred in a previous answer given to-day. The Government of India recognise the importance of the scheme and are considering the request of the Municipality for financial assistance towards giving effect to it.

The Revd. J. C. Chatterjee : Are Government aware of the serious epidemic of typhoid that has visited Delhi this summer and which still continues to some extent ? Are Government also aware that this was partly due to the contaminated water supply ?

Mr. G. S. Bajpai : The Government have seen reports, Sir, in the Press to the effect that there has been a severe epidemic of typhoid in Delhi. They have made inquiries on the subject from the Chief Commissioner, and he did recognise that to some extent the contamination of the water supply was responsible for the infection. The statement made by me that Government propose to take this matter up for consideration urgently is proof of their recognition of the importance of the matter.

The Revd. J. C. Chatterjee : Am I then to understand that Government will take up the question of the consideration of the grant for improving the water supply independent of the five-year programme which may be indefinitely delayed ?

Mr. G. S. Bajpai : I do not think, Sir, that the exclusion of this particular item from the five-year programme is necessary to the recognition of its importance or urgency.

FEEDER RAILWAYS IN SIND, ETC.

314. ***Haji Abdoola Haroon :** (*a*) Has the attention of the Government been drawn to the proceedings of a mass meeting of the people of Bhiria (Nawabshah District) that have appeared in the *Daily Gazette* of Karachi, dated 31st July 1928, under the title of " Feeder Railways in Sind " and " Need of a Station at Bhiria." ?

(*b*) What step, if any, do the Government propose to take in the matter ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Government understand that the representation from the people of Bhiria is now under consideration by the North-Western Railway authorities, but as this town is already only 5 miles from the existing main line between Samasata and Hyderabad, it is not likely that the suggested alteration of the alignment can be justified.

SETTLEMENT OF MOPLAHS IN THE ANDAMANS.

315. ***Haji Abdoola Haroon** : (*a*) Will Government be pleased to state what is the number of Moplah settlers in the Andamans at present, men, women and children respectively ?

(*b*) In view of the Government's acceptance of the conclusions of Sir Alexander Cardew's Committee to discontinue the Andamans as a penal settlement, will Government be pleased to state the reasons for still keeping the Moplahs there ?

The Honourable Mr. J. Crerar : (*a*) There are at present 2,967 Moplahs in the Andamans : 1,526 men, 587 women and 854 children.

(*b*) The policy of the Government of India in regard to the Andamans is stated in the Home Department Resolution No. F.-20-26-Jails, dated the 27th February 1926. I would particularly invite the Honourable Member's attention to paragraph 5 of the Resolution. The Moplahs at present in the Islands are those who have either elected to stay on or have volunteered to go there on the terms offered in the Home Department Resolution No. F. 188-24-Jails, dated the 4th October 1926.

Mr. K. Ahmed : How is it that after the Cardew report to the effect that the Andamans should be discontinued as a penal settlement for the Moplahs, Government have still kept these people there and how is it that Government now say that the Moplahs have volunteered to go there ?

The Honourable Mr. J. Crerar : The recommendation of the Jails Committee was that the Andamans should be discontinued as soon as practicable as a penal settlement. The Moplahs who are at present there have gone there on a purely voluntary basis.

Mr. K. Ahmed : Do Government propose to allow any other convicts to go there or in the alternative state why these persons only should be allowed to continue to live in a place which is insanitary, unhealthy and brings demoralisation to humanity ?

The Honourable Mr. J. Crerar : I do not think that the people who wish to stay there should be removed except in some such circumstances as are contemplated in the Bill which I hope to bring before the House later on.

Mr. K. Ahmed : Is it not a fact that the Cardew Committee stated in their report that the place is insanitary, unhealthy and that it brings demoralisation to humanity ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the Government Resolution that I have quoted in which matters have been gone into in full detail.

Mr. K. Ahmed : Is it not a fact, Sir, that these are stated in that report and in view of that fact, how do the Government propose to allow the Moplahs to remain there ?

The Honourable Mr. J. Crerar : The places in which the Moplahs are settled are not, in the opinion of the local authorities and competent medical authority, insanitary. The general opinion is that the conditions prevailing there are very much better than those which the Moplahs had in their own country.

Mr. K. Ahmed : Has there been any other authorised report made by medical men after the report of the Cardew Committee ? Was not the latter report written after a most sifting inquiry and submitted to the Government of India ?

The Honourable Mr. J. Crerar : I do not think, Sir, that that question arises out of the inquiry as to the number of Moplahs in the Andamans at present.

Mr. President : The question arises in this way. My recollection is that the Honourable Member answered a previous question by saying that these places were not insanitary ; but we have the report of Sir Alexander Cardew's Committee to show that these places are insanitary and so the Honourable Member now wants to know whether there has been any further report of any medical authority, and that question is perfecly legitimate.

The Honourable Mr. J. Crerar : In regard to certain parts of the island where malaria has been prevalent (I may explain that those parts are close to the coast) steps have since been taken to reduce the malaria with excellent effects and further measures in that direction are being taken.

TOTAL STRENGTH AND RELIGION OF HIGH COURT JUDGES IN INDIA.

316. ***Haji Abdoola Haroon** : Will Government be pleased to state the total strength of High Court Judges in each Province in India and the number of Hindus, Europeans, Muhammadans, Parsis and Sikhs respectively ?

The Honourable Mr. J. Crerar : The information is contained in the statement which I have placed in the Library.

TOTAL CADRE OF INSPECTORS, PREVENTIVE OFFICERS AND APPRAISERS IN THE CUSTOM HOUSE, KARACHI.

317 ***Haji Abdoola Haroon** : Will Government be pleased to state what is the total cadre of Inspectors, Preventive Officers and Appraisers at the Karachi Customs station and how many of them are Muhammadans?

The Honourable Sir Bhupendra Nath Mitra : A statement furnishing the information required is laid on the table.

Statement showing the total strength of Inspectors, Preventive Officers and Appraisers in the Karachi Custom House and the number of Muhammadans employed.

	Total strength.	Muhammadans employed.
Inspectors	4	..
Preventive Officers	37	5
Appraisers	22	1
	63	6

RECOMMENDATIONS OF THE INDIAN CINEMATOGRAPH COMMITTEE.

318. ***Mr. C. S. Ranga Iyer** : Will the Government be pleased to state :

(*a*) if they have considered the recommendations of the Indian Cinema Committee ? and

(*b*) if they propose to create a Central Cinema Department ?

(*c*) if the answer to (*b*) be in the affirmative, when do they propose to create the department ?

(*d*) if the answer to (*a*) be in the negative, when do they propose to consider the recommendations and whether they propose to consult the Assembly in regard to them during this session ?

The Honourable Mr. J. Crerar : Government have taken the recommendations under their consideration, but some time must elapse before it is possible to secure the views of Local Governments and to reach final conclusions on the proposals. Consequently Government will be unable to lay any measure based on the Committee's recommendations before the House during the present Session.

Mr. B. Das : Has the attention of the Honourable Member been drawn to the statement published in the Press that Mr. S. N. Mullick, who was delegated by the Government of India to the League of Nations' Assembly, made a statement there that western films had a harmful effect on Indian children and Indian cinema-goers and that he was supported by Dame Lyttleton of England and the Persian representative ?

The Honourable Mr. J. Crerar : I do not think, Sir, that that arises out of the original question whether Government will lay before the House any measures based on the recommendations of the Committee.

Mr. B. Das : Is it not a fact, Sir, that one of the recommendations of this Cinema Committee is that western films have a harmful effect on Indian children and cinema-goers ?

The Honourable Mr. J. Crerar : I submit, Sir, once more that that question does not arise. When Government is in a position to lay its considered conclusions and also specific proposals for legislation, if any that may be necessary, before the House, this question might arise in the course of debate. I submit it does not arise as a supplementary question to the original question asked by Mr. Ranga Iyer.

Mr. B. Das : Why does not the Honourable Member accept a fact when it is a fact and one which has already been mentioned by the representative of the Government of India before the League of Nations ?

PROPAGANDA IN INDIA BY BOLSHEVISTS AND COMMUNISTS.

319. ***Mr. Kikabhai Premchand** : (*a*) Are Government aware of the allegations of Bolshevist and Communistic activity in disseminating their principles throughout India and inspiring the numerous strikes which we witness all over the country ?

(*b*) Do Government propose taking any steps to check such propaganda among the ignorant and credulous workers and thus stop the hardships and privations caused to these labourers arising from any strike situation ?

(*c*) If Government do not possess adequate powers, do they contemplate arming themselves with extra ones to end any insidious attempts by Bolshevist and Communistic agitators at the destruction of authority and to safeguard the peaceful working of industry in the country ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) and (*c*). Government have the matter under their careful consideration, and so far as concerns one aspect of the case I would refer the Honourable Member to the Bill published in the Gazette of India of the 25th August.

Mr. N. M. Joshi : May I ask whether Government is aware that officers and district officers on Indian Railways permit the spread of Bolshevik ideas in this country by refusing to remove the legitimate grievances of workers and by refusing to deal with real trade unions in this country ?

Mr. A. A. L. Parsons : No, Sir.

Mr. N. M. Joshi : I ask whether the Honourable Member will make inquiries in this matter.

Mr. K. Ahmed : Is it a fact, Sir, that many times it has been found in the newspapers—and probably the information with the Government will show—that strikers and leaders of this party have been receiving funds from the Bolshevik country and other countries, such as England and elsewhere, in order to carry on this kind of propaganda and strikes all over the country ? Will this Bill put a stop to that money being received from England from the Labour Party ?

The Honourable Mr. J. Crerar : That particular question does not arise. As the Honourable Member will see, it does not come within the scope of the Bill.

Mr. Gaya Prasad Singh : Are Government prepared to lay on the table all the materials which they may have on this question ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. K. Ahmed : Will the Safety Bill prevent the activities of strikers in this country as far as money coming from the Bolshevik country as well as from labour leaders in England is concerned, in order to foment the inspiring of numerous strikes in the country ?

The Honourable Mr. J. Crerar : That, Sir, is a matter for debate on the motion which stands in my name on the paper to-day.

Mr. Gaya Prasad Singh : May I know why Government are unable to place all evidence on record on the table ?

The Honourable Mr. J. Crerar : Because, Sir, some part of this is of a very secret character and it would not be in the public interest to publish it.

Mr. Abdul Haye : In view of what has already been said on the floor of this House on this subject I do not propose to put my questions Nos. 320 and 321. With your permission, Sir I will put my question No. 322.

Mr. President : Would it not be desirable, in view of the fact that a date has been promised by Government to discuss the whole question,† that the Honourable Member should wait till the discussion takes place in this House ?

Mr. Abdul Haye : I agree to your suggestion, Sir.

‡Nos. 320*—322*.

PROMOTION OF GUARDS FROM B CLASS TO C CLASS ON THE NORTH WESTERN RAILWAY.

323. *Mr. Abdul Haye : (*a*) Is it a fact that the Traffic Manager's Circular No. 476-E., dated the 18th June, 1922, exempts the B Class guards of the North Western Railway, of more than 15 years' approved service from the assistant station masters' examination for promotion to Class C ?

(*b*) Is it a fact that the Circular also lays down that a list of recommended men, only in order of seniority will be maintained in the Traffic Manager's office from which promotions from class B to class C will be made ?

(*c*) Is it a fact that certain persons have been promoted to class C when they had even less than one year's service to their credit and drew as much as Rs. 75 per month ?

(*d*) Is it a fact that during the promotions made in February last the claims of the men with more than 15 years' approved experience were set aside against men of one year's service, and if so will the Government state reasons for this ?

Mr. A. A. L. Parsons : (*a*) The North Western Railway Administration have not been able to trace any Circular No. 476-E. of 18th June 1922. Under the existing rules men who had 15 or more years' approved service as guard on the 28th July 1921 can be recommended for inclusion in a list maintained in the headquarters' office of men from whom selection for promotion to Class C is made without having passed the assistant station masters' examination.

(*b*) No. Seniority is not taken into consideration in making such promotions. The rule mentioned gives no Class B or special Class B guard with 15 or more years' service any title to be promoted to Class C, but merely provides that specially capable and deserving men with this

†Separate office for the Legislative Assembly.
‡Withdrawn.

amount of service are not debarred from such promotion by the fact that they have not passed the assistant station masters' examination.

(*c*) No. I understand that one such man has been put in to officiate in Grade IV.

(*d*) The rule which I have explained was strictly followed when promotions to Grade C were made in February last.

INCLUSION OF CERTAIN SUBJECTS AS OPTIONAL SUBJECTS IN CERTAIN SPECIFIED IMPERIAL SERVICES EXAMINATIONS.

324. *Dr. B. S. Moonje : (*a*) Will the Government be pleased to state which of the subjects, studied by a student of B. Commerce of an Indian University, are included in the following Imperial Services examinations :

(*i*) Finance.

(*ii*) Military Accounts.

(*iii*) Indian Audit.

(*iv*) Indian Customs ?

(*b*) Do Government propose to include the following subjects as optional subjects in the above examinations :

(*i*) Accountancy and Auditing.

(*ii*) Banking, Money, Currency and Public Finance.

(*iii*) Industrial and Commercial organisation.

(*iv*) Economic development of the Empire and India ?

(*c*) Do Government propose to include these subjects in examinations for the I. C. S. also ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) One common examination is held for candidates for admission to the Indian Audit and Accounts Service, the Military Accounts Department and the Imperial Customs Service, at which each candidate is required to take English and the *viva voce* test, and not more than two of the following subjects :

Political Economy and Economic History.
Mathematics (Pure and Mixed).
Physics.
Chemistry.
Indian and English History.

One of the following classical languages with its literature :

Latin, Greek, Sanskrit, Arabic and Persian.

I regret it has not been possible for me to ascertain the curricula of B. Commerce Examinations of various Indian Universities in the time at my disposal.

(*b*) The question of the revision of the syllabus of the Indian Audit and Accounts Service Examination is being considered by the Public Services Commission.

(*c*) Certain proposals for the revision of the list of subjects for the Indian Civil Service Examination are now under consideration. If these

are finally approved Nos. (*ii*), (*iii*) and (*iv*) of the subjects mentioned by the Honourable Member will be included in one or more of the papers dealing with economic subjects. The inclusion of a paper on Accountancy and Auditing would not appear to be called for.

CRUELTY TO A CONSIGNMENT OF MONKEYS SENT FROM LUCKNOW TO BOMBAY BY THE GREAT INDIAN PENINSULA RAILWAY.

325. ***Dr. B. S. Moonje** : Will the Government be pleased to state :

(1) the names and addresses of the sender and consignee of a consignment of three crates of monkeys transhipped at Jhansi Junction into the Delhi—Bombay mail train on the 29th July 1928 and reported to have been booked at Lucknow for delivery at Bombay ?

(2) the dimensions of each crate and the number of monkeys in each ?

(3) whether it is a fact that the legs of the monkeys protruded through the openings in the bottom of the crates and that, in spite of this, the crates were dragged along the floor of the luggage compartment at the time of loading at Jhansi ?

(4) whether it is a fact that the crates were loaded into a luggage van the only ventilation in which was through the fixed side venetians.

(5) what action Government propose to take against the sender and consignee of the consignment and the railway officials responsible for accepting and forwarding it ?

(6) what action Government propose to put a stop, once and for all, to this abominable cruelty to dumb animals ?

Mr. A. A. L. Parsons : Government are asking the Agent of the Great Indian Peninsula Railway to let them know the facts and I will communicate with the Honourable Member as soon as his reply is received.

STRIKE AT BAMANGACHI ON THE EAST INDIAN RAILWAY.

326. ***Rai Bahadur Tarit Bhusan Roy** : Will Government be pleased to state :

(*a*) What were the immediate causes of the strike at Bamangachi on the East Indian Railway ?

(*b*) How many employees of the East Indian Railway took part in the strike ?

(*c*) For how long did such strike continue and what was the total amount of loss occasioned to the East Indian Railway by reason of such strike ?

(*d*) How many employees who participated in the strike movement have resumed work and how many of them have been discharged by the East Indian Railway and why ?

(*e*) Is it a fact that the Railway Police had to open fire on the strikers at Bamangachi for maintaining law and order and if so under whose orders such a course was adopted and with what result ?

Mr. A. A. L. Parsons : I presume the Honourable Member refers to the strike in the Lillooah workshops as there was no strike in the Bamangachi Locomotive Yard.

(*a*) The immediate cause of the strike was stated by the General Secretary of the East Indian Railway Union at Khagaul to be the discharge of 4 workmen ; but the strike was probably due in reality to the refusal of certain demands of the workmen.

(*b*) 11,296 employees went out on strike in the Lillooah Carriage and Wagon workshops ; in addition 596 men at Ondal, 1,530 men at Asansol, 890 men of the Stores and Electrical Department at Lillooah, and 2,003 men at Howrah, struck work in sympathy with the Lillooah workshop men—a total of 16,315 men.

(*c*) The strike at Lillooah commenced on the 7th March and terminated on the 10th July. 19 days after the termination of that strike, the men at Lillooah again refused to work and the shops were closed for 9 days. On the 8th of August they were re-opened and the men came back to work.

It is impossible to say what loss, if any, was caused to the East Indian Railway by reason of the strike. Traffic was not interfered with.

(*d*) Out of the total of 16,315 men, about 15,000 have resumed work. 53 men were dismissed from the Lillooah shops for creating a disturbance in the shops on the 30th July, and about 650 men at Asansol and Ondal were dismissed for not having resumed duty in accordance with the Agent's orders. Of these 650 men, nearly 400 have been re-engaged and others are being taken back as vacancies arise. The balance is made up of men of all departments who have not yet come back to work.

(*e*) Fire was opened by the Eastern Frontier Rifles under the orders of the Superintendent of Police. The casualties were 2 killed and 2 injured.

Mr. N. M. Joshi : Sir, may I ask what is the proper amount of the charges which Government continue to pay to the strikers and also the charges necessary for the payment of the workers ?

Mr. A. A. L. Parsons : Will the Honourable Member please put down a question ? He can hardly expect me to have these figures in my head.

Rai Bahadur Tarit Bhusan Roy : Was it the finding of the Magistrate of Howrah who held an inquiry into this matter that the occasion warranted the railway police or the constituted authorities to open fire on the strikers ?

The Honourable Mr. J. Crerar : These, Sir, are questions which are now in issue in a case which is at present *sub judice*. I am therefore not in a position to make at this stage any statement in the matter.

REDUCTION OF FARES ON THE EASTERN BENGAL RAILWAY, ETC.

327. ***Rai Bahadur Tarit Bhusan Roy** : Will Government be pleased to state :

(*a*) Whether it is a fact that the earnings from the East Indian Railway passenger service have increased after reduction of fares ?

(*b*) Will a comparative statement be made shewing the earnings from the passenger services of the East Indian Railway before and after the latest reduction of fares for a period of one year or more ?

(*c*) Is it a fact that no reduction of fares has yet been made on the Eastern Bengal Railway passenger services to bring the table of fares to the same level as prevails on the East Indian Railway and, if not, why not ?

(*d*) Is it in contemplation to revive the system of issuing six-monthly 1st, 2nd and intermediate class return tickets to the passengers on the Eastern Bengal Railway ? and if so, when ?

Mr. A. A. L. Parsons : (*a*) The reductions in intermediate and third class mail fares only came into force on the 1st March 1928, and in third class fares generally on the 1st May 1928, and I am afraid it is not yet possible to say whether they have led to an increase in passenger traffic.

(*b*) These figures are already given in Volume II of the Report by the Railway Board on Indian Railways.

(*c*) The answer to the first part of the question is in the affirmative; the Eastern Bengal Railway has only just begun to pay its way.

(*d*) Eight-monthly return tickets for first and second class passengers are issued. It is not proposed to issue return tickets for intermediate class passengers.

ATTACHMENT OF INTERMEDIATE AND THIRD CLASS COMPARTMENTS FOR FEMALE PASSENGERS CLOSE TO THE ENGINES ON THE EAST INDIAN AND EASTERN BENGAL RAILWAYS.

328. ***Rai Bahadur Tarit Bhusan Roy** : Will Government be pleased to state :

(*a*) Whether it is a fact that intermediate and third class compartments for females are often put very close to the engines in many passenger train on the East Indian Railway and Eastern Bengal Railway ?

(*b*) If the answer to the previous question is in the affirmative, will it be made a regular system to put the intermediate and third class female compartments in all passenger trains in all Railways at a safe distance from the engines in order to minimise the risk of accidents to females by reason of the derailment and collision of railway trains ?

(*c*) Whether or not it is a fact that one or two coaches just behind the engines are generally telescoped as the result of collision and derailment of railway trains and, if so, will the Railway Board consider the necessity of directing one or two loaded or unloaded wagons being attached to the engines of all passenger trains as a matter of precaution ?

Mr. A. A. L. Parsons : (*a*) Not so far as Government are aware, but they are not of course informed of the actual marshalling of individual trains.

(*b*) No.

(*c*) The coaches nearest the engine generally suffer most in a head-on collision or derailment. The Railway Board are not prepared to accept the suggestion made by the Honourable Member which would *inter alia* reduce the speed of mail and passenger trains and leave less accommodation available for the public.

SHIFTING OF THE RAILWAY STATION AT GOALUNDO.

329. ***Rai Bahadur Tarit Bhusan Roy** : How often has the Goalundo railway station been shifted every year on account of the deterioration of the bed of the Padma River and what expenditure has been incurred during the last three years, and by whom ?

Mr. A. A. L. Parsons : The information is being obtained and will be furnished to the Honourable Member, when received.

DOORS OF INTERMEDIATE AND THIRD CLASS COMPARTMENTS ON THE METRE GAUGE AND BROAD GAUGE RAILWAYS.

330. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Is it a fact that doors of all classes of compartments on the metre gauge railways and the doors of intermediate and third class compartments of the broad gauge railways invariably open outwards with the result that accidents to passengers take place in running trains ?

(*b*) Is it a fact that very recently a respectable Indian woman was thrown out of the intermediate class compartment of a running train of the East Indian Railway and was killed ?

Mr. A. A. L. Parsons : (*a*) The design varies. Doors sometimes open out and sometimes inwards.

(*b*) Government have received no report of any such occurrence.

ROYAL COMMISSIONS AND COMMITTEES APPOINTED SINCE 1921.

331. ***Rai Bahadur Tarit Bhusan Roy**: Will Government be pleased to state :

(*a*) How many Royal Commissions and Committees have been appointed for India since 1921 up to now ?

(*b*) What was the personnel of such Commissions and Committees ?

(*c*) What is the expense that has been incurred and paid out of the revenues of the Central Government in connection with each of such Commissions and Committees so far ?

The Honourable Mr. J. Crerar : The information asked for is being collected and will be supplied to the Honourable Member in due course.

EXPENDITURE INCURRED BY THE EAST INDIAN RAILWAY ON SCHOLARSHIPS TO EUROPEAN AND ANGLO-INDIAN STUDENTS IN THE OAKGROVE EUROPEAN SCHOOL, ETC.

332. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) What is the amount which the East Indian Railway Administration spends for scholarships to Anglo-Indian and European students in the Oakgrove School ?

(*b*) What is the amount spent by the East Indian Railway on scholarships to children of Indian employees and where are they available ?

Mr. A. A. L. Parsons : (*a*) Rs. 5,000.

(*b*) *Nil.*

FEES FOR CHILDREN OF RAILWAY EMPLOYEES AT THE OAKGROVE EUROPEAN SCHOOL, ETC.

333. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Is it a fact that while the monthly charges for board and tuition of a non-railway child at the Oakgrove school are Rs. 50, the charge for a railway child paid by the parents is only Rs. 14 to Rs. 21 per month according to the pay of the parents ?

(*b*) Who pays the balance of Rs. 36 to Rs. 29 ?

(*c*) Is it a fact that the East Indian Railway meets the entire deficit of the Oakgrove European School ? Does the East Indian Railway meet the entire deficit in the Indian schools also ? Is it a fact that the Indian schools maintained by the Railway are given a fixed grant, and the local committees have to find money for making up the deficit or to reduce necessary expenditure ?

Mr. A. A. L. Parsons : (*a*) Yes. The special reduced rates apply only to children of employees of the East Indian Railway.

(*b*) The deficit resulting from the admission of children of the East Indian Railway employees at reduced rates is met by the East Indian Railway revenues.

(*c*) The East Indian Railway meets the entire deficit of the Oakgrove School. Indian schools maintained by this Railway are given fixed grants, which are supplemented by special grants where necessary, and the local committtees are responsible for keeping expenditure within income as supplemented by these grants.

TOTAL EXPENDITURE INCURRED BY THE EAST INDIAN RAILWAY ON THE OAKGROVE EUROPEAN SCHOOL IN 1926-27, ETC.

334. ***Rai Bahadur Tarit Bhusan Roy** : What was the total expenditure incurred by the East Indian Railway Administration on the Oakgrove European School in 1926-27 and what was the highest grant to an Indian school maintained by the Railway during the same period ?

Mr. A. A. L. Parsons : Rs. 1,15,916 and Rs. 4,500 respectively.

GRANT OF PREFERENCE TO STUDENTS OF THE OAKGROVE SCHOOL IN THE SELECTION OF APPRENTICES FOR THE EAST INDIAN RAILWAY WORKSHOPS AND THE TECHNICAL SCHOOL AT JAMALPUR.

335. ***Rai Bahadur Tarit Bhusan Roy** : Is it a fact that in the printed prospectus for the technical school at Jamalpur it is stated that in the selection of apprentices for the East Indian Railway workshops and the technical school, students from Oakgrove School will be given preference ? Are the students from the Indian railway schools equally qualified, and do they get such preference ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative. A similar preference is given to students from Indian railway schools.

Mr. N. M. Joshi : May I ask, Sir, if the students of these European schools are to be given preference, what happens to the scheme for Indianisation ?

Mr. A. A. L. Parsons : As I have explained, Sir, a similar preference is given to students from the Indian railway schools.

FAMINE IN BENGAL.

336. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Has the attention of Government been drawn to the fact that famine has broken out and desolated some Districts of Bengal ?

(*b*) Is it a fact that many persons have died and are still dying of starvation in the famine-stricken areas ?

(*c*) What is the actual number of deaths from starvation so far ?

Mr. G. S. Bajpai : (*a*) Government are aware that distress prevails in certain districts of Bengal, but the Local Government have not found it necessary to declare famine formally.

(*b*) No. Reports of such deaths appeared in certain newspapers, but upon investigation were found to be incorrect.

(*c*) Does not arise.

Mr. K. Ahmed : Has the Government seen certain affidavits sworn in the courts of law showing that the people died of starvation ?

Mr. G. S. Bajpai : I cannot add anything, Sir, to the answer which I have just given, and which is based on a report submitted by the Government of Bengal after careful investigation. I have a note on the subject here and, if my Honourable friend is interested in the question, I shall show it to him after the morning session is over.

NUMBER OF PERSONS UNDER DETENTION AND INTERNMENT AS POLITICAL SUSPECTS.

337. ***Rai Bahadur Tarit Bhusan Roy** : Will Government be pleased to make a statement giving the names and numbers of the persons who are now under detention and internment as political suspects in the different provinces of India ?

The Honourable Mr. J. Crerar : The number is 7, *viz.*:

Panna Lal Mukharji,
Jatindra Nath Das,
Pratul Ganguli,
Ramesh Chandra Acharji,
Santa Singh,
Basaundha Singh, and
Gajjan Singh.

REFUSAL TO GRANT LEAVE TO THE MUSLIM EMPLOYEES OF THE LOCO WORKSHOPS AT BHATINDA TO SAY THEIR ID PRAYERS, ETC.

338. *Mr. Abdul Haye : (*a*) Has the attention of the Government been drawn to the news published in *Muslim Outlook*, dated 7th June 1928 at page 3 under the headings " Persecuting Muslims " " Not allowed to say Id Prayers " ?

(*b*) Is it a fact that on the occasion of the last *Id-ul-Zuha* the Moslem employees of the Loco Workshop at Bhatinda were not given leave to enable them to say their Id prayers even ?

(*c*) If so, will Government please state what action they have taken in the matter ?

(*d*) Are the employees of Loco Workshops allowed any holidays during the year ? If so will Government please lay on table a list of such holidays ?

(*e*) Is it a fact that the Moslem employees of the Loco Workshop at Bhatinda were made to work on the day of Muharrum, *i.e.*, 29th June 1928, and no holiday was allowed to them ?

Mr. A. A. L. Parsons : (*a*) Yes ; by the Honourable Member's question.

(*b*) There is no Locomotive Workshop at Bhatinda. The Honourable Member is presumably referring to the Locomotive Shed at that station. Government understand that the Muslims employed there were offered leave from 8 A.M. to 11 A.M. on the occasion of *Id-ul-Zuha* provided they came to work at 5 A.M., but they refused the offer.

(*c*) None.

(*d*) I am sending the Honourable Member a list of shop holidays in Locomotive Workshops on the North-Western Railway. It would be impracticable to allow men in Locomotive Shed holidays on specific days without interfering with the train service, but I understand that they are allowed 15 days' casual leave in a year in lieu. I am, however, verifying this point.

(*e*) Government are informed that permission was given to Muslims employed in the Locomotive Shed at Bhatinda to stop work after 1 P.M. on the 29th June 1928, but they did not avail themselves of the permission.

Mr. K. Ahmed : How is it that there is no off day on an important festival day like the *Id-ul-Zuha* for Muslims ? Is it not a public holiday ?

Mr. A. A. L. Parsons : I have already explained that it is impossible to allow holidays on specific days because, though the holiday may be important, the train service has still to go on.

Mr. Abdul Haye : Do the Government approve of this policy of the railway authorities not allowing holidays to Mussalmans, or for the matter of that to Hindus, on such important occasions as *Id-ul-Zuha*, *Muharrum* and the *Dussera* ?

Mr. A. A. L. Parsons : Provided that the train service can be carried on, which is the first essential, I think it is desirable that as far as possible a railway employee should be given some leave of absence on his special holidays. But in certain classes of railway employment, of which work in locomotive sheds is one, it is not possible, as I have already explained in my answer to the main question, to give a full day. In that case, I think that the local authorities were quite right in doing what they did in the two instances mentioned by the Honourable Member, namely, attempting to give at least 3 or 4 hours off to members of the commuunity affected.

Mr. Abdul Haye : Do the Government know, Sir, that on the *Id-ul-Zuha* Mussalmans have to offer their prayers in the morning, which are finished by 11, and in the evening they have to offer sacrifice ?

Mr. A. A. L. Parsons : I am quite prepared to take that as a correct statement from the Honourable Member. He is in a better position to know than I am.

Mr. K. Ahmed : Do Government propose to send these questions and answers to the railway authorities so that in future the workers in the Locomotive Shed at Bhatinda and elsewhere may get benefit of the holidays ?

Mr. A. A. L. Parsons : I have already explained to the Honourable Member that it would be very difficult to allow these holidays in full in locomotive sheds. I am quite prepared to have copies of the questions that have been put and of my answers to them sent to the Agent of the North-Western Railway.

Mr. K. Ahmed : Do Government propose to appoint extra men on festival days like this in order that these poor people, these unhappy people, working in the locomotive sheds day and night may get the benefit of a holiday ?

Mr. A. A. L. Parsons : The Honourable Member is probably not aware that work in these sheds is mostly skilled work and that we cannot take anybody that turns up.

Maulvi Muhammad Yakub : Does the Honourable Member mean that the Government want to make an interference with the religion of the people in this matter, which is totally against the Proclamation of Queen Victoria of 1858 ?

Mr. A. A. L. Parsons : No, Sir. As I have tried to explain, the object of the railway authorities is, as far as possible, without interfering with the train service, to allow people time off on these religious holidays.

Mr. K. Ahmed : Do Government propose for the benefit of the service of the country, to include in the 15 days' leave allowed in a year one or two days on account of *Id-ul-Zuha* prayers and other important days of prayer and festivity ?

Mr. A. A. L. Parsons : I have already explained to the Honourable Member the difficulty of allowing a full holiday to all the staff in the locomotive shed. I am afraid I cannot add anything further.

Mr. K. Ahmed : That is not an answer to my question.

Maulvi Muhammad Yakub : May I know if this office is closed or kept open on Christmas day ?

Mr. A. A. L. Parsons : Certainly, Sir.

Maulvi Muhammad Yakub : Is it open or closed ?

Mr. A. A. L. Parsons : You have to carry on the necessary work in locomotive sheds on every day of the year, including Christmas day on which trains run ; and as the train service during Christmas time is on the whole heavier than at other times, in all probability they are open for longer hours on Christmas day than on many other holidays.

Maulvi Muhammad Yakub : Do you allow a holiday on Christmas day to the Christians who are working in the locomotive office ?

Mr. A. A. L. Parsons : I cannot say definitely. I should imagine that the local authorities do exactly the same thing that they do on a Muhammadan or a Hindu holiday, that is to say, to the extent to which it is possible they give the men a few hours off.

The Revd. J. C. Chatterjee : May I ask, Sir, if these men are given an extra allowance for working on *Id-ul-Zuha* and other festivals ?

Mr. A. A. L. Parsons : I must ask for notice. I really do not know.

PRESENT SYSTEM OF FILLING UP SELECTION GRADE APPOINTMENTS IN THE POSTAL DEPARTMENT.

339. ***Mr. G. Sarvotham Rao** : With reference to the reply given by the Honourable Sir Bhupendra Nath Mitra, on the 20th March 1928, to my starred question No. 489, will the Government be pleased to state :

(*a*) how the present system of filling up the selection grade proved unsatisfactory ;

(*b*) the main defects of the present working system, which led to the introduction of the selection grade examination ;

(*c*) whether F. A., B. A., etc., examinations held by the University are not sufficient tests for the knowledge of English, which have ever since been depended upon ;

(*d*) what are the so-called responsible duties, which would be required of the time-scale officials, to get selection grade in addition to those performed by them ;

(*e*) whether the length of experience and performance of duties similar to those assigned to selection grade officials, are not sufficient proof of the requisite knowledge of the Department ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). The present system referred to by the Honourable Member was considered unsatisfactory as it did not provide the tests mentioned in part (*a*) of the Honourable Sir Bhupendra Nath Mitra's reply to the Honourable Member's starred question No. 489 of last March.

(*c*) Possibly, but English is not the only test.

(*d*) and (*e*). The responsibilities of an officer in charge of a large post office must obviously be greater than those of an officer-in-charge of a small one, and the fact that an officer has managed his charge of a small office is not in itself proof that he is equally fitted to manage a large office.

EXAMINATION FOR TIME-SCALE CLERKS IN THE POSTAL DEPARTMENT.

340. ***Mr. G. Sarvotham Rao** : With reference to the Honourable Sir Bhupendra Nath Mitra's reply to starred question No. 489 on the 20th March 1928, regarding the examination for time-scale clerks in the Postal Department, is it a fact that some record or sub-record clerks are holding selection grade appointments, whereas the majority of them are in the ordinary time-scale ? If the reply to the above is in the affirmative, will the Government be pleased to state why it has been considered necessary for the latter (who have been performing their duties satisfactorily for years) to pass an examination in their old age, in order to secure the selection grade posts ?

The Honourable Mr. A. C. McWatters : Yes. Government do not consider that the satisfactory performance of the duties of less important posts is necessarily a proof of fitness for the selection grade, and an examination has therefore been prescribed as a test of such fitness.

SELECTION GRADE APPOINTMENTS IN THE OFFICE OF A SUPERINTENDENT, RAILWAY MAIL SERVICE.

341. ***Mr. G. Sarvotham Rao** : (*a*) Is it a fact that the Director-General of Posts and Telegraphs has ruled that the head clerks or accountants in the Office of the Superintendent, Railway Mail Service, should hold a selection grade appointment (160—250) ? If the reply to the above is in the affirmative, do Government propose to exempt from the examination those head clerks and accountants in the time-scale in the Superintendents' Offices who have been working in these posts for years together, and have given sufficient proof of their efficiency and put in over 20 years' service ?

(*b*) If the reply to the above is in the negative, will Government give reasons for the same ?

The Honourable Mr. A. C. McWatters : The orders of the Government of India are that " of the two selection grade appointments in the office of a Superintendent, Railway Mail Service, one should always be held by the head record clerk, and the other either by the head clerk or the accountant, according to the fitness of either for the selection grade ".

(*a*) and (*b*). Government are not prepared to accept the Honourable Member's suggestion since they do not admit that seniority combined with a satisfactory record is sufficient to establish a claim to a selection grade appointment.

MENTAL DEFECTIVES.

342. ***The Revd. J. C. Chatterjee** : Has the attention of Government been drawn to the statements made by Lieut.-Colonel Owen A. R. Berkely-Hill in the course of his presidential address delivered at the fourteenth Indian Science Congress held at Lahore in January, 1928, drawing attention to the entire lack of facilities for medical care of or attention to the mentally defective ?

The Honourable Mr. J. Crerar : Government have seen a report of the address which was delivered in January 1927, not 1928.

The Revd. J. C. Chatterjee : Are Government prepared to take any action on that address ?

The Honourable Mr. J. Crerar : Government do not at present contemplate any immediate action in the matter, because the provision of institutes of this kind necessarily involves very great expenditure, and so far, considerations of economy have precluded us from taking action in that direction.

REGISTRATION OF MENTAL DEFECTIVES.

343. ***The Revd. J. C. Chatterjee** : (*a*) Will Government be pleased to state whether any provision exists for the notification and registration of mental defectives in India ?

(*b*) If the answer to (*a*) be in the negative, do Government propose to enquire into the number of mental defectives in the centrally administered territories ?

The Honourable Mr. J. Crerar : (*a*) Not so far as Government are aware, but I would remind the Honourable Member that it is a provincial transferred subject and is one for the Minister concerned under each Local Government.

(*b*) Government are not aware that the number of mental defectives in centrally administered territories is so large as to justify a special enquiry.

The Revd. J. C. Chatterjee : Will Government make some sort of inquiry to find out whether the number is large or small ? In my opinion it is large.

The Honourable Mr. J. Crerar : We have a certain amount of information on the subject, and that information indicates that the number of mentally defectives in the centrally administered territories is not large.

MEDICAL CARE, GUIDANCE AND PROBATION OF MENTALLY DEFECTIVE CHILDREN.

344. ***The Revd. J. C. Chatterjee** : Will Government be pleased to state what facilities, if any, exist for the medical care, guidance, and protection of mentally defective children in the centrally administered areas ?

The Honourable Mr. J. Crerar : Mentally defective children are treated in the ordinary general hospitals.

TRAINING OF PUBLIC HEALTH OFFICERS IN PSYCHOLOGY.

345. ***The Revd. J. C. Chatterjee** : (*a*) Is any psychological training required of officers recruited to the Government Departments of Public Health in the centrally administered areas ?

(*b*) If the answer to (*a*) be in the negative, do Government propose to provide facilities for such training to selected officers of the Public Health Department ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) There is no such scheme at present under the consideration of Government.

The Revd. J. C. Chatterjee : A supplementary question, Sir. Will Government give due consideration to the suggestion contained in this question as to the advisability of getting their Public Health officers trained in psychology ?

Mr. G. S. Bajpai : To be quite candid, Sir, I do not really know what psychological training means. It may mean anything from Couéism or Hypnotism to Christian Science. But so far as the treatment of mental defectives is concerned, the Honourable the Home Member has already stated that their number in the centrally administered areas is not so large as to justify the adoption of any special measures.

TREATMENT OF MENTAL DISORDERS IN THEIR EARLY STAGES.

346. **The Revd. J. C. Chatterjee** : (*a*) Will Government be pleased to state if any provision for the treatment of mental disorders in their early stages exists in dispensaries or the outdoor departments of hospitals in the centrally administered areas ?

(*b*) If the answer to (*a*) be in the negative, do Government propose to consider the making of such a provision in selected dispensaries and the out-door departments of hospitals ?

Mr. G. S. Bajpai : (*a*) Yes, in the out-door departments.

(*b*) Does not arise.

The Revd. J. C. Chatterjee : Am I to understand that my Honourable friend really maintains that the Sub-Assistant Surgeons in charge of these out-door dispensaries have any real knowledge or experience of treating these mental disorders ?

Mr. G. S. Bajpai : In the first instance I do not admit the correctness of the assumption that only Sub-Assistant Surgeons deal with these mentally deficient or diseased cases. In the second place, I have already stated that our expert advice is that such facilities as exist are adequate to the requirements of the situation.

The Revd. J. C. Chatterjee : May I ask who these expert advisers are who have made a statement that existing facilities are sufficient ?

Mr. G. S. Bajpai : The Director-General of the Indian Medical Service, the Public Health Commissioner to the Government of India, the Deputy Director-General of the Indian Medical Service and others. (Laughter).

The Revd. J. C. Chatterjee : Am I to understand that Government disown the opinion expressed by Lieut.-Colonel Owen A. R. Berkely Hill who is supposed to be the chief expert on the subject of mental diseases in this country ?

Mr. G. S. Bajpai : The Government of India assume no responsibility for the opinions of this expert.

The Revd. J. C. Chatterjee : May I ask whether this expert is not in their employ and whether he is not in charge of the biggest mental hospital in India ?

Mr. G. S. Bajpai : He is a member of the Indian Medical Service, but he is not in the direct employ of the Government of India.

AGRICULTURAL EDUCATION IN AJMER-MERWARA.

347. ***Rai Sahib Harbilas Sarda** : (*a*) Are the Government aware that no agricultural college exists in Ajmer-Merwara to impart education in agriculture to students in that province ?

(*b*) Are Government also aware that the rules for admission of students not domiciled in the United Provinces to the Agricultural College, Cawnpore, which is the nearest institution to which students from Ajmer-Merwara desiring agricultural education, can go, provide that in the case of such students, " a fee of Rs. 1,500 per annum, for the two or four years course, will be charged per student to the Local Government " ?

(*c*) Will Government state if they are willing to provide this fee of Rs. 1,500 per annum for selected students from Ajmer-Merwara seeking admission to the Cawnpore Agricultural College ?

(*d*) If the reply to part (*c*) is in the negative, what arrangements do Government propose to make for the education of students from Ajmer-Merwara, who seek agricultural education ?

Mr. G. S. Bajpai : (*a*) and (*b*). Yes.

(*c*) Government would be prepared to consider requests for the payment of the fee mentioned if students of exceptional promise are recommended by the local authorities.

(*d*) The question does not arise.

VEGETABLE OR " VANASPATI " GHEE.

348. ***Rai Sahib Harbilas Sarda** : With reference to Government's reply, to question No. 13 given on 1st February 1928 (*vide* Volume I, page 9 of Legislative Assembly debates) that the suggestion that the artificial or " Vanaspati " ghee be coloured in such a way that it cannot be mixed with or passed off as natural ghee without detection was being considered, will Government be pleased to state if Government have arrived at any decision in the matter ? If so, will Government state what that decision is and when Government propose to give effect to it ?

The Honourable Sir George Rainy : The suggestion, which was made by the Government of the Punjab, has been referred to the other Local Governments and their views are awaited.

Mr. K. Ahmed : Do Government know that there is a great deal of import of vegetable ghee which is passed off as natural ghee in India ?

The Honourable Sir George Rainy : I am afraid I am unable to add to the answer I have already given.

Kumar Ganganand Sinha : May I know when the Local Governments were addressed on this matter ?

The Honourable Sir George Rainy : I could not say offhand from memory as to the date on which a circular was addressed to Local Governments, but I will inform the Honourable Member if he will remind me.

Mr. K. Ahmed : Are the Government aware that great objection has been taken on the public platform and in the newspaper Press with regard to the passing off of vegetable ghee and other adulterated ghees as natural ghee, and do Government propose to put a stop to this practice for the benefit of the country ?

The Honourable Sir George Rainy : Government have seen a number of references in the public Press to the subject and I take it from the Honourable Member that the platform as well as the Press are fully acquainted with it. As regards the latter part of his question, I think that in view of the fact that we have consulted Local Governments the Honourable Member will agree that it would be less than courteous to them if the Government of India were to make up their minds without waiting for their replies.

IMPROVEMENT OF THE PAY AND PROSPECTS OF TEACHERS IN GOVERNMENT SCHOOLS IN AJMER-MERWARA.

349. ***Rai Sahib Harbilas Sarda** : (*a*) Have Government taken any action to improve the pay and prospects of teachers in Government Schools in Ajmer-Merwara, since question No. 878 on the subject was asked on 12th March 1927 ?

(*b*) What are the present rates of pay of teachers in Government Schools in Ajmer-Merwara and what are the rates for the same class of teachers in the (*i*) United Provinces and (*ii*) the Punjab ?

(*c*) Is it a fact that teachers in Ajmer-Merwara work the curricula prescribed by the United Provinces Education Department but get very much lower rates of pay than the teachers in the United Provinces ?

(*d*) Has the attention of the Local Government and the educational authorities of Ajmer-Merwara been drawn to the reply to my speech during budget discussion given by the Honourable the Finance Member of the Government of India on 4th March, 1927, when he gave the assurance that I had his special sympathy when I laid stress upon the superior importance of good teaching even over good accommodation in which the teaching was given ?

(*e*) Will Government state when steps will be taken to give the same rates of pay to the teachers in Ajmer-Merwara as are given to teachers in the United Provinces so as to secure a more suitable and qualified class of teachers ?

Mr. G. S. Bajpai : (*a*) and (*e*). A scheme for the revision of pay of teachers in Ajmer-Merwara is under consideration.

(*b*) A statement giving the information available is laid on the table.

(*c*) The curricula adopted for schools in Ajmer-Merwara closely follow those for schools in the United Provinces.

(*d*) No, but Government do not doubt that the Honourable Member's speech has been read by the authorities concerned with the interest and attention that it deserves.

Statement showing the rates of pay of teachers in the Provincial and Subordinate Educational Services in the United Provinces, Punjab and Ajmer-Merwara.

Province.	Rates of pay of the Provincial Educational Service.	Rates of pay of the Subordinate Educational Service.
	Rs.	
United Provinces.. ..	250—25—675 with selection grade at Rs. 700—50—800.	Ranging from Rs. 50—150 to Rs. 200—25—450.
Punjab	250—25—500/25—600 with selection grade at Rs. 650—30—800.	Ranging from Rs. 35—3—50 to Rs. 200—10—250.
Ajmer-Merwara	200—20—500 and Rs. 350—25—650.	Grades ranging from Rs. 25 to 275.

INSPECTION OF EUROPEAN SCHOOLS IN AJMER-MERWARA.

350. *Rai Sahib Harbilas Sarda : (1) With reference to paragraph 147 of the Report on the Administration of Ajmer-Merwara for 1926-27 dealing with European education, will Government please state :

(*a*) the number and type of European schools under the supervision of the Principal of the Ajmer Government College ; and

(*b*) the number of pupils, boys and girls, in these schools classified as below :

(*i*) European,

(*ii*) Anglo-Indian,

(*iii*) Indian Christians,

(*iv*) non-Christians ?

(2) Will Government please give the total annual expenditure on inspection of these schools situated in Ajmer-Merwara and within the R. M. R. jurisdiction outside Ajmer-Merwara and give reasons why this extra expenditure is being incurred where there is a whole time Provincial Service Education Officer in Ajmer, *viz.*, the Assistant Superintendent of Education ?

Mr. G. S. Bajpai : A statement giving the information required is being laid on the table of the House.

Statement regarding the inspection of European Schools in Ajmer-Merwara.

(1) (*a*) One high school and four primary schools for boys and one high school and two primary schools for girls.

(*b*) The enrolment on the 31st March 1927 was 654 out of whom 591 were Europeans or Anglo-Indians. No further details are available. The attention of the Honourable Member is invited to statement table No. 54-European Education accompanying the Administration Report to which he has referred.

(2) Rs. 1,020.

This expenditure is incurred on the inspection of European schools since it is desirable to have a European or Anglo-Indian to inspect such schools, the Superintendent of Education not having time to do so.

THE NEW VICTORIA HOSPITAL, AJMER.

351. *Rai Sahib Harbilas Sarda : (*a*) Are Government aware that a new and more up-to-date hospital called the New Victoria Hospital has recently been built at Ajmer to take the place of the old Government hospital and that the Civil Surgeon, Colonel J. W. Watson, to whose efforts the new hospital owes its existence and who is doing all he can to maintain it in an efficient manner is greatly handicapped by inefficient financial support from Government ?

(*b*) Has the attention of Government been drawn to an article published on page 1 of the *Arya Martand* of Ajmer, dated the 2nd of August 1928, describing the difficulties and inconvenience suffered by the public seeking medical aid in the new hospital owing to lack fo sufficient accommodation for indoor patients and inadequacy of the staff of medical attendants ?

(*c*) Are Government aware that collections for the building and the equipment of the Victoria Hospital, Ajmer, amount to nearly four lakhs and that Government have contributed only one lakh of rupees ?

(*d*) Do Government propose to take action on the request of the public to extend accommodation for indoor patients, strengthen the staff and build quarters for them and take over the entire maintenance of the hospital ?

Sir Denys Bray : (*a*) Yes. The financial position of the hospital is being examined by the Local Administration and proposals are expected shortly.

(*b*) Yes.

(*c*) Yes.

(*d*) The question will be considered on receipt of the proposals.

RETRENCHMENT OF THE POST OF ASSISTANT COLLECTOR OF STAMPS IN THE CENTRAL STATIONERY OFFICE.

352. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to say whether it is a fact that owing to the transfer of the Stamp Branch from the administrative control of the Controller of Printing and Stationery, the post of the Assistant Controller of the Stationery Office is under retrenchment ?

(*b*) Is it a fact that the Assistant Controller of that Office had to deal with all cases relating to Stamp Department as well as a large portion of the cases relating to Stationery Department ?

(*c*) Is it a fact that the work of the Central Stationery Office has increased due to the arrangement recently made for the supply of stationery to Railways ?

(*d*) If the answer to (*c*) above be in the affirmative will the Honourable Member be pleased to state whether it is a fact that a proposal was submitted to Government for the creation of a gazetted officer's post in the Stationery Office as the Additional Assistant Controller ?

(*e*) If the answer to (*d*) above be in the affirmative, will the Honourable Member be pleased to say whether Government contemplate the creation of an officer's post in the Central Stationery Office is necessary in view of the fact that the present Assistant Controller has been relieved of the work of the Stamp Department and is free thereby to take up the increased work of the Stationery Department ?

The Honourable Mr. A. C. McWatters : (*a*) Yes. The post of Assistant Controller of Stamps in the Central Stationery Office was retrenched with effect from the 1st July 1928.

(*b*), (*c*) and (*d*). Yes.

(*e*) The matter is under consideration.

SUPERINTENDENT IN THE CENTRAL STATIONERY OFFICE.

353. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to say whether the post of Superintendent was in existence when the headquarters of the Controller of Printing, Stationery and Stamps were in Calcutta ?

(*b*) Is it a fact that the Superintendent had all along to deal with all important cases of the three departments of Printing, Stationery and Stamps, till the headquarters of the Controller were transferred to Delhi ?

(*c*) Is it a fact that on the transfer of the headquarters of the Controller to Delhi the Superintendent had not to deal with any case relating to the Printing Department ?

(*d*) Is it a fact that on the transfer of the Stamp Department to Nasik the Superintendent has not to deal with any case relating to the Stamp Department ?

(*e*) Is it a fact that the transfer of the Printing and the Stamp Departments considerably reduced the volume of duties of the Superintendent of the Stationery Office ?

(*f*) Is it a fact that each section and branch of the Central Stationery Office has a head assistant who supervises the work of the section or branch under him and submits cases direct to the Assistant Controller or to the Deputy Controller of that office and is primarily responsible for the work of the section or the branch under him ?

(*g*) If the answer to questions (*c*), (*d*), (*e*) and (*f*) above be in the affirmative, has the Honourable Member ascertained by facts and figures that the post of Superintendent of the Stationery Office is necessary ?

INCREMENT REGISTERS OF THE EMPLOYEES OF THE CENTRAL STATIONERY OFFICE.

354. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to put up the increment registers of the employees of the Central Stationery Office during the months of January and February of each of the years 1926, 1927 and 1928 ?

(*b*) Is it a fact that the increment register of the month of February 1927 passed through the Assistant Controller ?

(*c*) If the answer to (*b*) above be in the affirmative, is it a fact that the Superintendent of the Stationery Office was then officiating as the Assistant Controller of that office ?

(*d*) Is it a fact that the increment registers of 1926 and 1928 did not pass through the Assistant Controller of the Stationery Office ?

(*e*) If the answer to (*d*) above be in the affirmative, will the Honourable Member be pleased to say why the reply to question 200 (*b*) at page 1063 of the Legislative Assembly Debates, Volume I, No. 22 of 1928, was in the negative ?

(*f*) Will the Honourable Member be pleased to say what departmental action he contemplates taking against the person or persons who furnished him with false information ?

TRANSFER OF CERTAIN CLERKS FROM THE STATIONERY BRANCH TO THE STAMP BRANCH IN THE CENTRAL STATIONERY OFFICE.

355. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether it is a fact that Babus Nando Dulal Chatterjee, Sachijiban Gossami and Ajitnarayan Chowdhuri were originally appointed in the Stationery Branch in the Central Stationery Office ?

(*b*) Is it a fact that the persons named in (*a*) above were transferred to the Stamp Branch prior to the 7th March 1928 ?

(*c*) If the answer to (*b*) above be in the affirmative, will the Honourable Member be pleased to state the circumstances under which the fact was not mentioned in the reply to question No. 196 (*f*) (*ii*) at page 1060 of the Legislative Assembly Debates, Volume I, No. 22 of 1928 ?

(*d*) Will the Honourable Member be pleased to state whether the Superintendent of the Central Stationery Office is responsible for the concealment of this fact ?

(*e*) If the answer to (*d*) above be in the affirmative, what disciplinary action does the Honourable Member propose to take against him for furnishing a misstatement to this Assembly ?

(*f*) If the answer to (*b*) above be in the negative, will the Honourable Member be pleased to substantiate his answer by placing on the table the salary bills submitted monthly to the Accountant General, Central Revenues, during 1927 ?

LOSS INCURRED BY GOVERNMENT ON DETERIORATED STATIONERY.

356. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state :

(*i*) the cost of stationery articles purchased in England, and

(*ii*) the cost of stationery articles purchased in India,

during 1922, 1924 and 1926 by the Deputy Controller of Stationery (*i*) with the concurrence or (*ii*) without the concurrence of the Controller of Printing and Stationery ?

(*b*) Will the Honourable Member be pleased to state the total value of the stationery articles which have been lying stocked in the Central Stationery Store, which are not fit for issue or which are not demanded by the Government offices any longer ?

(*c*) Will he be pleased to say (*i*) when and (*ii*) under whose orders these stationery articles were purchased ?

(*d*) Is it a fact that this stock since deteriorated through long storage and is not fit for issue ?

(*e*) Will the Honourable Member be pleased to state whether any action was taken by the Controller of Printing and Stationery (Mr. E. E. Coombs, O.B.E.) to utilise these items of stationery to avoid loss to Government previous to their deterioration ?

(*f*) If the answer to (*e*) above be in the affirmative, will the Honourable Member be pleased to state the circumstances under which his action met with failure ?

(*g*) Will the Honourable Member be pleased to state how he proposes to adjust this heavy loss to Government ?

(*h*) Is it a fact that this heavy loss was incurred by Government due to the negligence and want of supervision on the part of the Controller of Printing and Stationery ?

(*i*) Will he be pleased to state what action does he propose to take against the person or persons who are responsible for this heavy loss to Government ?

The Honourable Mr. A. C. McWatters : With your permission, Sir, I propose to answer questions Nos. 353, 354, 355 and 356 together. Inquiries are being made and the results will be communicated to the Honourable Member in due course.

NUMBER OF BRANCHES OF THE IMPERIAL BANK IN THE PUNJAB, ETC.

357. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to lay on the table the following information :

(*a*) Number of branches of the Imperial Bank in the Punjab Province :

(*b*) Number of Hindu and Muslim employees in the superior and clerical staff respectively in each branch of the Imperial Bank : and

(*c*) Names of branches of the Imperial Bank in the Punjab, where there are either no Muhammadan clerks or Muhammadan officers ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) 18 on the 30th June 1928.

(*b*) and (*c*). The Government have no information and they are not in a position to secure it as the Imperial Bank of India is not a Government institution.

EMPLOYMENT OF MUHAMMADANS IN BRANCHES OF THE IMPERIAL BANK IN THE PUNJAB.

358. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that there is only one Muslim clerk in the staff of the Imperial Bank branch at Multan (Punjab) ? If so, will the Government be pleased to give the total number of clerks in that branch classwise, and state on what principle such appointments in the various branches of the Imperial Bank are made that the Muhammadan element is reduced to such an extent ?

The Honourable Sir Bhupendra Nath Mitra : The Government have no information and, as just explained, are not in a position to secure it.

NUMBER OF CASES OF EMBEZZLEMENT DISCOVERED BY THE LOCAL FUND AUDIT DEPARTMENT IN THE PUNJAB AND THE NORTH WEST FRONTIER PROVINCE.

359. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Will the Government be pleased to state :

(*a*) the total number of embezzlement cases discovered by the Local Fund Audit Department in the Punjab and the North-West Frontier Province during the last 5 years with names of auditors who detected these embezzlements :

(*b*) whether the auditors who detected the largest number of embezzlement cases during each year were given any reward to serve as an encouragement to them in the future : and

(*c*) what is the total strength of auditors (junior and senior) in the Local Funds (Accounts) Audit Department of the Punjab and how many of them are residents of the Multan Division ?

RECRUITMENT TO THE LOCAL FUND AUDIT DEPARTMENT IN THE PUNJAB.

360. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : Is it a fact that while recruiting new hands in the Local Fund Audit Department of the Punjab no regard is made to recruit men from every quarter of the Province ? If not, will the Government please say how many hands were recruited during the last five years and whether any of them belonged to Multan, Muzaffergarh and Dera Gazi Khan Districts respectively ?

The Honourable Sir Bhupendra Nath Mitra : I propose to reply to questions Nos. 359 and 360 together.

The Government of India have no information. Local fund audit is a provincial subject and the Accountant General works in connection with it as an agent of the Government of the Punjab.

OPENING OF A BOOKING OFFICE IN MULTAN CITY.

361. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (*a*) Is it a fact that a booking office was proposed by the railway authorities to be opened in the City of Multan (Punjab) and the delay in opening it is causing great hardship to the public ?

(*b*) Do Government propose to issue orders to the Divisional Transportation Officer, Multan, in view of the inconvenience to the public of Multan, to open the booking office without any further delay ?

Mr. A. A. L. Parsons : Government understand that it is proposed to open a booking office in Multan City when a building in a suitable locality can be obtained.

SCHEME FOR A PROVINCIAL HOSPITAL INITIATED BY COLONEL BRIERLEY, CHIEF MEDICAL OFFICER OF THE NORTH-WEST FRONTIER PROVINCE.

362. ***Dr. B. S. Moonje** : (*a*) Are Government aware of a scheme for a Provincial Hospital initiated by Colonel Brierley, Chief Medical Officer of the North-West Frontier Province ?

(*b*) If so, how far has the same been completed and how much of it is yet incomplete ?

(*c*) So far what donations, if any, have been made for the scheme by the people and the Municipalities of the Province and the Government of India ?

(*d*) What amount has been so far spent on the buildings and what amount is still required for the completion of the scheme ?

(*e*) What grant, if any, has been made by the Local Government and the Government of India towards the completion of the building scheme during the last year ?

(*f*) What grant, if any, do Government propose to make in the next year's Budget ?

(*g*) What is the estimated annual amount required for the maintenance of the Provincial Hospital ?

(*h*) What portions of it are contributed annually by the Provincial Municipalities, the Provincial Government and the Government of India ?

(*i*) Do the Government of India propose to make a fresh donation towards the completion of the buildings and also increase their yearly grant to make up a substantial portion of the deficit in the maintenance charges ?

(*j*) Are Government aware of the fact that this hospital is greatly taken advantage of by the trans-frontier border tribes and serves as a great humanising institution ?

Sir Denys Bray : (*a*) Yes, Sir.

(*b*) and (*d*). The total cost of the building scheme is Rs. 8 lakhs, of which work to the extent of Rs. 5,64,000 has been completed.

(*c*) and (*e*). The grants up to date are—

	Rs.
Peshawar Municipality	3,10,000
Central Revenues	2,50,000
Public subscriptions	1,31,646
Lord and Lady Reading	50,000
	7,41,646

(*f*) and (*i*). Are under consideration.

(*g*) and (*h*). Rs. 63,000, of which the Peshawar Municipality pay Rs. 43,000 while Government propose to pay the rest. Maintenance charges will be considerably more when the scheme is completed.

(*j*) Fully aware.

ADMISSION OF INDIAN CADETS TO THE INDIAN CORPS OF SIGNALS AND THE ROYAL TANK CORPS.

363. ***Pandit Hirday Nath Kunzru** : (*a*) Are Government aware that His Excellency the Commander-in-Chief stated in this House on the 8th March, 1928, that Indian cadets trained at Woolwich would be "divided between Artillery, Engineers, and possibly Signals"? Has it been decided since then to admit Indian cadets to the Indian Corps of Signals ?

(*b*) Will Indian cadets be eligible for admission to the Royal Tank Corps ?

Mr. G. M. Young : (*a*) The answer to both questions is in the affirmative, except that there is at present no such thing as the Indian Corps of Signals. It has been decided, however, that if Indian cadets from Woolwich elect for service in Signals, an Indian Signal Unit will be raised.

(*b*) No, Sir, the Royal Tank Corps is a corps of the British Service.

Pandit Hirday Nath Kunzru : If it has been decided that an Artillery unit and an Air Force unit should be formed here, why should not an Indian Tank Corps also be formed here ?

Mr. G. M. Young : It is perfectly true that it has been decided to form Indian Artillery, Engineer, Signals, and Air Force units, but it has not yet been decided to form an Indian Tank Corps unit.

Pandit Hirday Nath Kunzru : Is that matter still under correspondence between His Majesty's Government and the Government of India ?

Mr. G. M. Young : It is under consideration, but I do not think any correspondence has yet taken place.

Pandit Hirday Nath Kunzru : Is it still under the consideration of the Government of India themselves ?

Mr. G. M. Young : Yes. It is under consideration. It will always remain under consideration by the Government of India.

Pandit Hirday Nath Kunzru : Are the Government of India considering the matter in order to represent it at an early date to His Majesty's Government ?

Mr. G. M. Young : I cannot disclose the precise intentions of the Government of India in this matter at the moment, but, of course, the consideration of the formation of an Indian Tank Corps unit is a thing which has always been present.

Sir Hari Singh Gour : May I beg to enquire for how long it has been under the consideration of the Government of India ?

Mr. G. M. Young : I could not say definitely, but the question of Indianising the Army has been under consideration for a very long time,

and I should imagine the question of having an Indianised Tank Corps has been under consideration ever since there was a British Tank Corps.

Pandit Hirday Nath Kunzru : May I ask whether the matter is being considered in connection with the Report of the Indian Sandhurst Committee ?

Mr. G. M. Young : The matter has been considered in connection with the Report of the Indian Sandhurst Committee and no doubt, as I have said, it will remain under consideration ; but with the formation of these other new Indianised units that I have mentioned, it is probable that Government will have enough on their hands, when they get the officers.

Pandit Hirday Nath Kunzru : Are we to understand that His Majesty's Government has for the present turned down the proposal of admitting Indians to the Royal Tank Corps or forming a separate unit in connection with the Indian Army ?

Mr. G. M. Young : No, Sir.

Pandit Hirday Nath Kunzru : Am I then to understand that the matter was not represented to His Majesty's Government in connection with the Report of the Indian Sandhurst Committee ?

Mr. G. M. Young : No, Sir.

Pandit Hirday Nath Kunzru : May I ask why that was not done when the Indian Sandhurst Committee definitely recommended that there should in future be no racial discrimination in regard to the admission of Indians as officers ?

Mr. G. M. Young : The Honourable Member has misunderstood me. His question was, " Am I to understand that the matter was not represented to His Majesty's Government ? ". I said, No, Sir, that he was not so to understand.

Pandit Hirday Nath Kunzru : Has His Majesty's Government turned 12 NOON. down the proposal of the Government of India ?

Mr. G. M. Young : The Honourable Member has already asked me that question.

Pandit Hirday Nath Kunzru : How is it that, although the Government of India have made representations to His Majesty's Government and their proposal has not been given effect to, it is then claimed that His Majesty's Government have not turned down the proposal ?

Mr. G. M. Young : The matter is still under consideration, as I have already told the Honourable Member.

Pandit Hirday Nath Kunzru : Has the matter been under consideration for the last seven or eight years ?

Mr. G. M. Young : The whole question has been under consideration for the last seven years. A decision has been reached on the other matters, but in regard to the Tank Corps no decision has yet been reached.

Pandit Hirday Nath Kunzru : What is the delay due to ?

Mr. G. M. Young : As I have already stated, I cannot disclose that.

Pandit Hirday Nath Kunzru : Will the Honourable Member give any special reason for not dealing with this matter when other matters have been dealt with ?

Mr. G. M Young : I said that a decision has not been reached. I did not say that the matter had not been dealt with.

Pandit Hirday Nath Kunzru : Has the decision of the Government of India not yet reached His Majesty's Government ?

Mr. G. M. Young : I said a decision on the matter had not yet been reached.

Pandit Hirday Nath Kunzru : Have the proposals of the Government of India reached His Majesty's Government ?

Mr. G. M. Young : No specific proposals have reached His Majesty's Government lately.

Pandit Hirday Nath Kunzru : Were any proposals made in connection with the Report of the Indian Sandhurst Committee in this particular matter ?

Mr. G. M. Young : The Honourable Member is asking me definitely whether the Government of India have proposed the raising of an Indian Tank Corps unit. That is a matter which I cannot give full information about. All I can say is that this matter is under consideration.

Pandit Hirday Nath Kunzru : I do not want full information. I want to know whether any proposal on this subject has been sent up by the Government of India to His Majesty's Government with reference to the Indian Sandhurst Committee's Report.

Mr. G. M. Young : Government are unable to disclose the fact that they have made or not made a specific recommendation to the Secretary of State.

Pandit Hirday Nath Kunzru : Is it not a fact that His Excellency the Commander-in-Chief stated in this House that the proposals made by the Government of India in connection with the Indian Sandhurst Committee's Report were before His Majesty's Government ? If so, what is the objection to the Honourable Member's answering my question now ?

Mr. G. M. Young : I am not certain even now what my Honourable friend's question is. I was referring to the general proposals in regard to the Report of the Indian Sandhurst Committee, not to any specific proposal in regard to the Tank Corps.

Pandit Hirday Nath Kunzru : There is only one proposal remaining. In what other form can the Honourable Member be asked to give information on this particular point ?

Mr. G. M. Young : That particular point remains under consideration. A decision has been reached in regard to all the others.

Pandit Hirday Nath Kunzru : Is that particular point under the consideration of the Government of India or under that of His Majesty's Government ?

Mr. G. M. Young : I have already answered the Honourable Member that I cannot tell him whether a specific recommendation has been made to His Majesty's Government or not.

THE INDIAN INSURANCE COMPANIES BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I beg to present the Report of the Select Committee on the Bill further to amend the Indian Life Assurance Companies Act, 1912, for

[Sir George Rainy.]

certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL.

(The Honourable the President then called upon the Honourable Mr. Crerar to move his motion. The Honourable Mr. Crerar rose in his seat, when Pandit Motilal Nehru rose on a point of order.)

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I rise to a point of order. The point which I beg to submit for your consideration, is that this Legislature has no power to pass the law which is embodied in the Bill before the House. The motion is to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India I submit that this Legislature is positively barred under the law from passing any such law, and that being the case I submit that the motion cannot be allowed.

What does the Bill aim at ? The Bill aims at the exclusion of His Majesty's British subjects, European British subjects, without any trial and without any conviction, from any part of British India, on the mere declaration of the Governor General that the individual concerned is a person to whom the Bill applies. I submit that under section 65 of the Government of India Act, sub-section (2), last paragraph, no such law can be passed by this Legislature. That sub-section runs thus :

" Provided that the (Indian Legislature) has not, unless expressly so authorised by Act of Parliament, power to make any law repealing or affecting—....."

I leave out the immaterial passages :

" and has not power to make any law affecting the authority of Parliament or any part of the unwritten laws or constitution of the United Kingdom of Great Britain and Ireland whereon may depend in any degree the allegiance of any person to the Crown of the United Kingdom, or affecting the sovereignty or dominion of the Crown over any part of British India."

Well, Sir, as is well known, every Englishman is born with the constitutional protection which has been accorded to him by various charters, which are matters of history. The continuance of those rights which are given by those charters form the consideration of the allegiance of the British subject.

Mr. President : Where does the Honourable Member find that ?

Pandit Motilal Nehru : I am prepared with the authorities to substantiate that, but I thought it was very evident. I will refer you to page 302 of Volume I of Halsbury's " Laws of England ", note (x) :

" Ligeance is the mutual bond and obligation between the king and his subjects whereby subjects are called his liege subjects because they are bound to obey and serve him."

Therefore it is a mutual obligation. From that I think it has been held by writers on constitutional law that protection and allegiance are interdependent, and that one is the foundation for the other. It will appear to you, Sir, and to the House, that no Englishman can be forced to give allegiance unless the protection of the fundamental rights guaranteed to him by the various charters of liberty is accorded to him.

Mr. President : The Honourable Member's point is that protection is the price for allegiance ?

Pandit Motilal Nehru : So it is. If the House will permit me to point out, there are, as the House is aware, four great charters of English liberty, the *Magna Charta*, the Petition of Rights, the Bill of Rights and the Settlement Act. Now the provisions of these are very similar, those of the earlier Acts having practically been repeated in the later Acts. Now confining ourselves in the first place to the *Magna Charta*, you will find that the rule is laid down in section 39 :

" No free man shall be taken or imprisoned or dissezed, or outlawed, or exiled, or anyways destroyed ; nor will we go upon him, nor will we send upon him, unless by the lawful judgment of his peers, or by the law of the land."

Then section 40 runs :

" To none will we sell, to none will we deny or delay, right or justice."

That is part of the contract made by the King. The King grants these rights. Now what happens if these rights are not secured to the subject ? Article 61 of the same *Magna Charta* says in effect that if these rights are not secured to the subject, the subject shall have the constitutional right of rebellion. I will quote from " English Constitutional History " by Taswell-Langmead (page 121) :

" The question, how should the compact between the king and his people be enforced, was at once difficult and pressing. The king was left in possession of the regal power and dignity : experience had shown the ease with which former sovereigns had broken their most solemn written engagements ; and the insincerity of John was notorious. At this period there were no effective constitutional checks against the king ; and so a rude device was hit upon, in its nature really impracticable, by which John granted, in effect, to all his subjects a qualified liberty of rebellion. The whole baronage were to elect a Council of twenty-five barons charged to take care with all their might that the provisions of the Charter were carried into effect. If the king or any of his officers should violate the Charter in the smallest particular, these barons, or four of their number, were to complain to the king, or in his absence to the justiciar, and demand instant redress. If no redress be given within forty days, the said five-and-twenty barons, together with the commonalty of the whole land shall distrain and distress us in all possible ways, by seizing our castles, lands, possessions, and in any other manner they can, till the grievance is redressed according to their pleasure, saving harmless our own person and the persons of our queen and children ; and when it is redressed they shall obey us as before."

On the one hand there are these rights, and on the other hand they are secured by another right which is tantamount to a right of rebellion. So I submit that the allegiance of every British subject depends under the constitution of England upon protection ; and if any law is proposed in India which affects that allegiance, the Indian Legislature has no right whatever to pass it.

Mr. President : Is it the contention of the Honourable Member that the House of Commons has no power to make such a law ?

Pandit Motilal Nehru : No. Parliament is supreme. Parliament can repeal the *Magna Charta* itself and the other Charters I have mentioned ; but this is a subordinate Legislature deriving its authority from Parliament. Parliament has chosen to restrict the law-making power of this House—of both Houses of the Indian Legislature. One of the most important restrictions, one that every Englishman ought to value, is that contained in section 65 of the Government of India Act I have just laid

Mr. President : I quite understand that it is not a matter for the vote of the House.

The Honourable Mr. S. R. Das : I would go further and challenge my friend to show a single instance in any Legislature, either of this country or of the Colonies or at home, where it has been held—where the Speaker has disallowed the introduction of legislation on the ground that the House had no jurisdiction to pass it.

Pandit Motilal Nehru : Was such a thing attempted before ?

The Honourable Mr. S. R. Das : The next thing I want to say is that I wish I had had a little time to look up this matter. It has come as a surprise. But I know this, that this very point about allegiance was taken by the late Mr. C. R. Das in the High Court of Calcutta before Mr. Justice Jenkins. I forget the exact point but it was about the right of trial by jury which has been denied in certain repressive legislation. His point was that the right of trial by jury under the Magna Charta was bound up with the right of allegiance, and he argued exactly the same point, but it was entirely disallowed by the High Court. I am sorry I am not in a position at the moment to refer you to that particular case. It is a reported case and is a case which created a great sensation at the time. I am unable to recall it exactly.

Mr. President : Do Government want time ?

The Honourable Mr. S. R. Das : No, we do not want time. We do complain that notice of this objection was not given to us, so that we might be in a position to give you the exact authority on this point. I submit that there is nothing in my friend's point. First of all it is not a point of order. Secondly, even if it is a point of order, there is nothing in the arguments of my friend that this Legislature has no jurisdiction to pass this law. The particular section of the Government of India Act which my friend has referred to has been in existence ever since a Legislature was brought into existence in this country, and it has never been suggested that either Bengal Regulation III or the Bengal Criminal Law Amendment Act, which was passed only the other day, were *ultra vires* of this Legislature because they conflicted with the right of allegiance.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I very reluctantly intervene in this debate and my reasons are two-fold. The Honourable the Law Member has stated that it is not for this House and yourself to decide whether any Bill of the Indian Legislature is or is not *ultra vires*, and that if it is *ultra vires* that is a matter for adjudication by the Courts. Now, Sir, I happened to be the author of a Bill known as the Supreme Court Bill, and I sought leave to introduce it in this House. The Government opposed it on the ground that it was *ultra vires* of the Indian Legislature to establish a Supreme Court in India, and the question was referred to the President, Sir Frederick Whyte. I refused to abide by the decision of the Government, and I claimed the right to move my Bill unless I was overruled by the President. The President overruled me and held that my Bill was *ultra vires* of the Indian Legislature. That is the answer to the Honourable the Law Member.

Mr. President : What year was that ?

Sir Hari Singh Gour : I think it was 1922 or 1923. I think any of the old Members here, Mr. K. Ahmed or Mr. Neogy, will bear me out.

There was a discussion on the floor of the House. I said it was the duty of the President to decide and I would not take any decision from the Executive Government whether any Bill was or was not *ultra vires* of the Indian Legislature. I therefore venture to submit that it is your duty to decide whether any Bill moved by either side of the House is or is not *ultra vires* of the Indian Legislature.

Having said so, Sir, I feel constrained to offer a few remarks upon the objection raised by the Honourable Pandit Motilal Nehru. The powers of the Indian Legislature are defined and limited by section 65 of the Government of India Act, and my Honourable and learned friend is perfectly right in referring to section 65 (2) of that Act. Now, if you will kindly look at that Act, Sir, you will immediately find these facts, that the Indian Legislature has no power to make any law—I am leaving out the unnecessary words—affecting the unwritten law or constitution of the United Kingdom whereon may depend in any degree the allegiance of any person. Now, Sir, the first question I wish to ask of the Honourable the Leader of the Opposition is this. Where is there any law, unwritten law or constitution of the United Kingdom which entitles a European British subject to reside in India ? That is a short question. If he has got the inherent right to reside in India, he has equally the inherent right of residing in all parts of the British Empire, and as the unwritten constitution of England makes no distinction between British subjects, Europeans or Indians or Colonials, *a fortiori* it follows that if that were the law an Indian could not be excluded from residing in South Africa, in Canada and in Australia. If the allegiance of a British subject were conditioned and dependent upon the protection as understood in the terms of his right to reside in any part of the British Empire, I wish to ask what becomes of the laws, the emigration laws, that have been made, excluding British people, undesirable British people, paupers and others, European British subjects, from entering Canada, Australia and the Union of South Africa, and what becomes of the laws which exclude Indians from all parts of the Colonial British Empire ? Therefore, I submit the unwritten laws could not and were not intended—and indeed there is nothing explicit or implicit in any of the laws to which my friend had referred, the Magna Charta included—to extend to Englishmen and for the matter of that a British subject, European or Indian, the right to enter and stay in any part of the British Empire. And this being the case, no such limitation can be spelt into the proviso on the legislative power of the Assembly. The question is a general one. Has the British subject the inherent right of living in any part of the British Empire ? That is a short question and unless you are prepared, Sir, to rule that it is the inherent right of every British subject, European or Indian, to reside anywhere he likes in the British Empire and that right flows from his allegiance to the British Crown, I am afraid the Honourable Pandit Motilal's objection seems to be on that point unsound. I regret.....

Mr. President : Has the Honourable Member seen the Dominion Acts on the subject ?

Sir Hari Singh Gour : I have not seen them just now, but I made a study of that subject, and I think I have referred in one of my published books to this very question.

Mr. President : Does any provision in any of the Dominion laws similar to the one that we are considering, namely, section 65, exist ?

The Honourable Mr. J. Crerar (Home Member) : The question you put Mr. President is whether in any similar provision to the provision contained in this Bill.....

Mr. President : That is not the question. The question I put to the Honourable Member was whether a provision similar to section 65, which prevents the Indian Legislature from enacting any law which affects the unwritten laws or constitution of the United Kingdom of Great Britain where on may depend in any degree the allegiance of any person to the Crown of the United Kingdom, exists in any of the Colonial laws.

Sir Hari Singh Gour : Sir, my argument is that there is no law of the United Kingdom regarding residence to be safeguarded by the proviso. I speak subject to correction, but as far as my memory serves me, I believe some such provision occurred in the South African Constitution before its union and it also occurred in the Commonwealth Act of Australia before 1900. I think, and it also occurred in the old Canadian Constitution of 1870 or thereabouts. What we have got here is copied from all these old Colonial Statutes, and if reference is made by you, Sir, you will find similar provisions occur there also ; and it is in pursuance of this provision that the question was raised by the Indians in South Africa when they were ordered to clear out of that country that they have an inherent right and the Supreme Court of South Africa held—I do not know whether anybody has got the cases decided by the Supreme Court of South Africa—the Supreme Court of South Africa held that the Colonial Government had an absolute right of excluding any person, British or not, and consequently the Indians could not assert their inherent right of residence in South Africa ; and it is in consequence of that, if you remember, Sir, that the controversy between India and South Africa became acute, which has since been settled by negotiation.

Mr. President : I understand that no other Honourable Member wishes to throw any light on this difficult and intricate question.

The Honourable Mr. J. Crerar : I had no notion I should have to deal with this alleged point of order forthwith.

Mr. President : As the Government do not want any time, what has the Chair to do ?

The Honourable Mr. J. Crerar : In view of the legal point involved, in the absence of any notice of such a point being raised as a point of order, I submit for your consideration whether it would not be desirable that the debate should be adjourned to 3 O'clock, in order that this point may be considered.

Mr. President : The question raised by the Leader of the Opposition is one of great constitutional importance. It is no doubt true that the Honourable the Leader of the Opposition has not given notice either to the Chair or to the Government. I am not prepared to say that he is bound to give such notice, but the fact remains that both the Chair and the Government are taken by surprise. The Government were not prepared to meet the arguments advanced by the Leader of the Opposition who has cited a large number of authorities, and it is only fair that both the Government and the Chair should have time to consider this great

[illegible] the progress o[illegible]

THE P[illegible] that I propo[illegible] (REMOV[illegible] dopt in this case is [illegible]

[illegible]ession of the Leader of the House, because that would give me only an hour or so at the outside, and I frankly confess it is not possible for me within that short time to deal adequately with the question that has been raised. But the course that I propose to adopt is this. I propose to allow the discussion of the Bill to proceed. Section 65 merely says that this Legislature has not the power to *make* any laws. Before the final stage of the Bill is reached it is open to the Chair, if on examination it is found that it has the power, to intervene and say that this last motion, namely, that the Bill be passed, shall not be made. Therefore, the course I propose to adopt is at present to go on with the motion of Mr. Crerar with the amendments that may be moved in this House and thus get time for myself and also time for Government to consider this question raised by the Leader of the Opposition. It may be necessary, and I think it will be necessary, for me to hear once again both the Opposition and the Government on the floor of this House, on this important question after they have made full preparations to argue the case. The question being of the greatest importance, I do not wish to give my judgment or decision at 3 O'clock to-day or to-morrow or even the day after. I propose to allow the motion for consideration to be moved by the Honourable Mr. Crerar and reserve my judgment on this question. It may be, as I have already said, [illegible] consultation with the Leader of the Opposition and the [illegible] House think of asking Honourable Members to argue the case once again before me on the floor of this House.

Pandit Madan Mohan Malavya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : There will be a tremendous waste of time if you should later on come to the conclusion that this House has not the power to proceed with the Bill.

Mr. President : That is inevitable. The Government not only attach great importance to this Bill but they consider it very urgent, and they do not wish that the progress of this Bill should in any way be held up. That is the position of the Government as I understand it, and I do not wish to come in the way of the Government in this matter. I allow the Government to go on with the Bill and if at a later stage, after studying the authorities and after hearing the parties, if necessary, I find that this Legislature has no power, I will not allow the Honourable the Home Member to make the last motion, namely, that the Bill be passed.

Pandit Madan Mohan Malavya : May I submit, Sir, that the matter may be allowed to stand over till to-morrow morning which will give you and the other side sufficient time to consider the point of order. If, on the other hand, we proceed with the Bill now and spend our time [illegible]tions and if to-morrow or the day after you come to the conclusion Hon[illegible] House cannot deal with the Bill as it stands, it will be impossible [illegible] prejudice[illegible]sate the Members of this House for the loss of time that they [illegible] them. I [illegible]

document[illegible]**resident** : The Government have agreed to refer this Bill to the [illegible]lect Committee and accept the motion of Sir Hari Singh Gour in that behalf, and if the Bill goes to the Select Committee or for the matter of that if the motion for circulation is carried, then both the

The Honourable Mr. J. Crerar : I will explain in each case what I quote. I take the first document. It is evidence which was produced in the High Court of Allahabad, in the revolutionary and conspiracy case of 1924. This is an extract from the propagandist manifesto issued by the Communist Party in India.

Mr. President : The Honourable Member is aware that he will have to place these documents and papers on the table of the House if he wishes to refer to them ?

The Honourable Mr. J. Crerar : I am quite prepared, Sir, to place these documents on the table of the House.

"Mass action thus began, will develop into organised agrarian strikes, into food riots, the plunder of corn-stocks and assaults upon large estates with the idea of confiscation. The down-trodden peasantry must be made conscious of their right to live like human beings and our propaganda should be aimed at making them understand that they should conquer this right by military action. Such action properly organized on a large scale will arouse them from their age long mental and spiritual slavery and make them conscious of their own right. Reactionary passivism must be repudiated. What burst out spontaneously at Gorakhpur, Rae Bareli, Chauri Chaura, Malabar, Central India and what is going on in the Punjab must be developed by every possible means.

"Peasant revolts should spread like wild fire from one end of the country to the other. We must formulate our program to correspond to the economic interests of the masses, then go forward boldly with that program till we reach our goal."

I now propose to read some extracts—and I am prepared to lay the document—from a draft programme of the Communist International, which was recently laid before the Annual Congress of the Communist International which met in July this year. I understand that this draft programme has since been approved in principle.

"The conquest of power by the proletariat is not the peaceful 'conquest' of the existing bourgeois State machine by means of a parliamentary majority. The conquest of power by the proletariat is the violent overthrow of bourgeois power, the destruction of the capitalist State apparatus (bourgeois armies, police, bureaucratic hierarchy, courts, parliament, etc.) and its replacement by a new organ of proletarian power, primarily as a weapon for the suppression of exploiters.

The Soviet State presupposes the complete disarming of the bourgeoisie and the concentration of arms in the hands of the proletariat: it is the State of the armed proletariat. The organisation of the armed forces is carried out on the basis of the class principle, which corresponds to the whole system of the proletarian dictatorship and guarantees the role of leadership to the industrial proletariat. This organisation rests on revolutionary discipline, but at the same time provides for the maintenance of close and constant contact between the members of the Red Army and Navy and the masses of the toilers, and for their participation in the administration of the country and in the work of building up Socialism.

The victorious proletariat utilises the conquest of power as a lever of economic revolution, *i.e.*, the revolutionary transformation of the property relationship of capitalism into relationships of the socialist method of production. The starting point of this great economic revolution is the expropriation of the landlords and capitalists, *i.e.*, the conversion of the monopolised property of the bourgeoisie into the property of a proletarian State."

The other items included in this programme are the overthrow of the rule of the feudal rulers, the nationalisation of large enterprises, the confiscation of landlord, church and monasterial lands and nationalisation of all the lands.

"When the revolutionary tide is flowing, when the dominant classes are disorganised, the masses are in a state of revolutionary ferment, the intermediary strata are inclining towards the proletariat, and the masses are prepared for action and for sacrifice, the task of the Party of the proletariat is to lead the masses into the direct attack upon the bourgeois State.

This includes strikes, strikes combined with demonstrations, the combination of armed demonstrations and strikes, and finally the general strike conjointly with the armed uprising against the political power of the bourgeoisie. This struggle must be subjected to the rules of military art: it must be conducted according to a plan of war and in the form of a military offensive."

Now, Sir, on that document I propose to read some extracts from another document which is an interesting commentary. This is a letter written by a gentleman commonly called M. N. Roy, copies of which have been laid in the Library of the House.....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Are the Government aware that the authenticity of that letter has been denied, that Mr. M. N. Roy has dissociated himself from the authorship of that letter and that a telegram has reached India to the effect that the letter is a faked letter ?

The Honourable Mr. J. Crerar : I propose to deal with that. The Honourable Member has anticipated the point which I was about to make immediately. I understand that some doubts have been cast on the authenticity of this letter. I saw in a Reuter's telegram a statement—whether correct or not I cannot vouch for—that the British Communist Party had addressed a reproach to Mr. M. N. Roy to the effect that he had given ground to Government to take action by the introduction of compromising matter of this kind. The answer which the Communist Party is alleged to have received is that the letter was not written by M. N. Roy. Well, Sir, there may be some measure of literal accuracy, but not of truth, in that statement, for the letter in point of fact is for the most part typewritten. It is here. It is addressed on the outer cover " to be delivered personally to Muzaffar Ahmad, 21, European Asylum Lane, Calcutta." The words " to be delivered personally to " have been expunged and the cover bears the postmark of Aden, the 16th May. It has also an interesting covering letter. The letter itself is apparently one of a number of copies intended for circulation to the various committees of workers' and peasants' parties instituted in India. (*An Honourable Member* : " What is the date of the letter ? ") The covering letter is to the following effect :

" Dear Muzuffar,

Please give some kind of note to the bearer of this letter to you, so that he can carry it back so as to show that he has discharged his mission. If you have any talk with the bearer you might indicate your opinion as to his usefulness as a helper in our communications. It is very important to establish something in this connection."

Nor is that all.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : May we know the date of that letter ?

1 P.M.

The Honourable Mr. J. Crerar : It is dated the 15th February.

Mr. C. S. Ranga Iyer : Is that letter signed by Mr. M. N. Roy ?

The Honourable Mr. J. Crerar : There is a point of further significance which I wish to lay before the House quite frankly. The letter, as I have said, is mainly typed, but there are certain corrections. We have already now in our possession certain letters in the handwriting of M. N. Roy.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Is it signed by M. N. Roy ?

The Honourable Mr. J. Crerar : My point is this, that these authentications and corrections have been compared and identified with the manuscripts we possess.

[Mr. J. Crerar.]

Now, Sir, as the letter has been laid in the Library of the House, I do not propose to quote very extensively from it. There are one or two passages which I think I should bring to the special notice of the House.

"With these considerations we do not share the illusion that the Communist Party can be organized in India legally. But as mentioned above, we are not in favour of self-liquidation. Fight for legal existence, but build the party illegally. Remain a legal body as long as possible, but build up a powerful underground organization. Preserve your legality as long as you can, but don't have it at the expense of activities essential for the growth of the party. The existence of the Communist Party should be known, every worker and peasant must know it, but don't emasculate the party with the banal and cowardly doctrine of bourgeois nationalism that all our activities are above board, we have nothing to hide. Every little act of a real Communist is a blow to Imperialism, and the Imperialist knows it; therefore, if the Communist does not act illegally he must pass his life in prison. There is no 'fair play', no gentlemanliness, in the revolutionary struggle. How to organise an illegal party? I am afraid that the failure to answer this question contributes to the dangerous legalist deviation. Political party is a comparatively new thing in India; and there prevails a rather faulty idea about it. An illegal organization is traditionally associated with terrorist conspiracy, bombs and revolvers. It is not understood how a party can be illegal and carry on political activities."

I emphasise that point because a marked feature of Roy's propaganda and of his manifestoes, which have reached us, is the insistence on the necessity of both legal and illegal activities in the Communist Party in India. Then he refers to the Workers' and Peasants' Party.

"Undoubtedly a party develops more quickly and wields a much greater influence, if it can function legally. Illegality is specially disadvantageous in India where the working class is largely illiterate, and therefore the propaganda must be carried on mainly orally..... Therefore we proposed the formation of the Workers' and Peasants' Party through which the Communist can function legally, through which agitation and propaganda can be carried on legally, and the workers and peasants can be organized to defend the interest of their class."

But he leaves no doubt on the point that his conception of the matter is that these legal organisations are merely the cloak and the means for a simultaneous policy along illegal lines. He speaks of the importance of the Party press. And this is a rather significant passage :—

"Our Party press, built up on this principle, applied in practice *with the necessary international support* will rapidly develop and be a powerful factor in the political life of the country."

"International support" presumably meant foreign subsidies. Well, Sir, I do not intend to weary the House by reading to any greater extent from that document, but I trust the Honourable Members will study it for themselves. One thing you will observe and that is, that the Communist propaganda deals with a certain amount of dexterity with the question of Nationalism which is not entirely an easy question for a convinced Communist to handle. But as their energies and activities are directed not only against organised society generally but also against the British power, it is natural that they should endeavour to find allies in the National movement. But no one can suppose, taking into account their other doctrines, that any form of Nationalism in India or elsewhere will profit by them. The fraud is too apparent. No Government and no organisation of society which does not comply with tenets and prescriptions of Communism would be exempt from its hostility. The attack is being specially directed upon India, and I contend, and I contend very strongly, that in this matter the interests of India and of Britain are identical.

Well, Sir, I have spoken on the doctrine and the tenets of Communism. I shall now say a few words upon its extension to India. I think that the history of it can most conveniently be dated from 1920, when the Communist International published a Thesis which expressly contemplated the direction of activities towards India and the East. In 1922, Mr. Roy directions of acitivies towards India and the East. In 1922, Mr. Roy naps of the Honourable Members present at the time of the Gaya Congress. Then came other manifestoes which were published in 1923. By this time a certain amount of activity was going on in the country. Government found it necessary to institute a prosecution. The prosecution took place in 1924 and the extract which I read was from the judgment passed in that case. It resulted in the conviction of 4 persons, who were all correspondents of Mr. Roy, for conspiracy to wage war against the King. The result of that prosecution was that Communist activities to a certain extent slackened and suspended themselves. But since 1926 there have been renewed activities, and a great deal of stimulus has been given to the movement in this country by the arrival of certain British Communists. I have already informed the House the other day of the arrival of the person who passes under the *aliases* of Allison and Campbell.

It was he who first started the formation of Workers' and Peasants' Parties in India in a really active form. After his incarceration and removal from India, another British Communist—in fact two others—came and those activities have been continuously carried on for the last year and a half to the very great detriment, as I believe, of the country.

Now, Sir, it will probably be alleged against this Bill that it is to the prejudice or detriment of labour activities and labour organisations in this country. I do not propose to deal at length with that, but I should ask the House to consider in their own minds whether fomenting of industrial disorder—and that undoubtedly is one of the objects of the activities of the Communists—whether this fomenting of industrial disorder, quite irrespective of any economic merits there may be in the dispute, is going to be of any value to labour, and whether, on the contrary, apart from the suffering and privations which are immediately caused, it is not ruinous to the cause of labour and ruinous to the prospects of the healthy development of labour organisations in this country on a sound basis. I observe that the British Trade Union Congress has recently passed by a very overwhelming vote a decision to purge English Trades Unionism of Communism (Hear, hear), and the effect of this measure.....

Mr. N. M. Joshi (Nominated Labour Interests) : May I ask, Sir, whether in England they have passed an Act deporting Communists? (*An Honourable Member* : "Yes". *Another Honourable Member* "Aliens.")

The Honourable Mr. J. Crerar : The British Trade Union Congress by a very large majority have decided that British Trades Unionism should be purged of Communism, and in so far as this Bill will assist that consummation in India I contend strongly that this would be to the benefit of the labour movement in India. (Hear, hear.) Now, Sir,.....

Mr. C. S. Ranga Iyer : Has a measure similar to this been introduced in the British Parliament?

The Honourable Mr. J. Crerar : Let me attempt to summarise briefly what all this means in its relation to the Indian social edifice. India

[Mr. J. Crerar.]

States are to be destroyed, religious endowments, whether of temple, mosque or church, are to be confiscated, religion itself has to go, landlords and landed proprietors should go, industry and trade in any capitalist form are to be abolished, the professions are to be submerged. In this House there is not, so far as I know, a single Member who would survive unless he consented to be submerged.

Now, Sir, I turn very briefly to the provisions of this Bill. I would ask the House to pay special attention to the fact that no Indian can possibly come within its danger. Its purposes are strictly limited, and as I say, no Indian subject can possibly come within its danger. It may be alleged that this will give further discretionary power to the Executive Government. I do not deny that that is the case. But I contend that the circumstances are such that discretionary power must be given to Government on whom lies the primary responsibility of dealing with this extremely difficult and dangerous situation. The question before the House then is, what is its attitude towards doctrines and activities which definitely aim at the complete subversion of Indian society as it now stands ?

The answer surely cannot be doubted. If the danger were in the form of open, undisguised direct action, I trust that the Government would be supported by the unanimous authority of this House. If the danger is insidious and subterranean, I submit that the answer ought to be equally in the affirmative.

Now, Sir, I do not propose to detain the House much longer. I do not know whether the existence of the grave dangers which I have pointed out, or their even graver potentialities, will be challenged. Such a challenge, I submit, could proceed only from a determination to ignore the plain and incontestable facts of the Communist propaganda, the aims and objects of which have been avowed and reiterated by its agents and instruments in the most unequivocal terms, or it must proceed from a failure to appreciate their significance. I do not know whether these plain and obvious facts will be challenged. But it may be said that there is no urgent necessity for any measure of this kind to deal with them. The view of Government on that point is simply this, that they cannot accept the responsibility of allowing the present state of affairs to continue unchecked even for a few months or a few weeks ; that they should be armed with these powers with the least possible delay, and that it would be inexcusable folly and dereliction of duty on their part to wait until mischief very hard to remedy had been wrought.

The fundamental question is this, whether the avowed objects and expedients of the Communist doctrine and activities are to be taken seriously or not. My contention is that they must be taken seriously and dealt with without delay. I do not think that any observer, even from the outside and regarding only the surface of things, will readily believe that the course of events, especially in the industrial world, during the last few months represents merely normal incidents and vicissitudes of industrial depression or trade disputes. Some of these troubles are no doubt economic in their origin. But the prolongation of strikes long after any party had anything to gain by their continuance is not normal. Train disasters accompanied by shocking fatalities and other violent sabotage are not normal incidents. But they are entirely in accordance with the tenets of the doctrine which I ask this House to condemn and to oppose. I have convincing

evidence that a sinister and external influence has been and is at work. It is not within my power to expose in a public utterance the ramifications of its working of which I have knowledge, for the obvious reason that to do so would be to give valuable information to the enemy and to weaken and impede, or even defeat, our own defensive measures. I must ask the House to credit me when I say—speaking with a very heavy sense of my own responsibility in this matter—that we have not to deal with mere visionary and fantastic theories, the realisation of which postulates a complete destruction of the existing social order, but with a persistent and definite design to take the first and then the ultimate steps to put them and their postulates into operation. I do not think, Sir, that the responsibility of taking the necessary measures to deal with such attempts should be left to Government to sustain alone. It is a responsibility which every citizen should be prepared, so far as in him lies, to share. (*An Honourable Member* : " After Swaraj ".) It is a responsibility of which I now ask this House to take its part. (Applause.)

(After some time Mr. President rose in his place.)

Mr. President : The question that I have to put is.....

(At this stage Mr. Jamnadas M. Mehta rose in his place.)

Mr. President : No Honourable Member rose in his place and therefore I began to put the question.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : I thought, Sir, that the Chair was, as usual, first reading out the motion just moved by the Honourable the Home Member.

Mr. President : The House now stands adjourned till 2-30 P.M.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Sir, I beg to move the amendment that stands in my name. It runs as follows :

" That the Bill be circulated for the purpose of eliciting opinions thereon."

I shall not be long in trying to convince the Honourable the Home Member of the necessity of an amendment which he may consider to be a little dilatory, as I have come to learn from his speech that he is eager that this Bill should be passed as early as possible. But I think I shall be able to convince him that there is no necessity for any indecent haste in a matter like this. No doubt we have precedence for legislation being rushed through and passed in one sitting of the House. But I beg to submit that no case has been made out as yet for such indecent haste, and I hope that no case has been made out as yet for such indecent haste, and I hope with this enlarged Council that it will not be attempted to be carried through with such haste. What I ask for merely is circulation for eliciting public opinion thereon.

[Mr. Amar Nath Dutt.]

Sir, certain facts have been given to us about which we had no knowledge before we heard the Mover of this motion. I hope he will excuse us if we do not accept either his *ipse dixit* or the *ex parte* evidence that he has placed before us, without careful, sifting and consulting public opinion, in order to arrive at the truth or otherwise of all that has fallen from him. I mean no disrespect to him by saying so.

Sir, you will be pleased to see that though the Bill is a very short one containing seven sections only of which three or four deal with the procedure and such matters as " whereas " and so forth, it covers grounds embraced by at least a half of the Indian Penal Code. I hope I shall be able to convince the House of what I say that this is a comprehensive Bill that it ought not to be precipitated in the way in which it has been attempted to be done. It begins with " whereas it is expedient ". Wherein the expedieney lies we do not know, and for whom it is expedient I do not know. Certainly the Honourable the Home Member means that it is expedient for the safety and good government of India,—and in that I am at one with him (*The Honourable Mr. J. Crerar* : " Hear, hear "), because we are as much interested in the good government of India as the Honourable the Home Member (*Honourable Members* : " Hear, hear "), if not more. The House will be pleased to see that in section 2, sub-section (1) we have the words " directly or indirectly ". I have a great objection to words like these ; unless we are assured that words like these are absolutely necessary, for such vague words may be interpreted in various ways according to the whims and caprices of the courts. Then the phrase occurs, " advocates the overthrow by force or violence of the Government established by law in British India ". Now that covers a whole chapter of the Indian Penal Code. Then the world at large is involved, in the words " abolition of all forms of law or organized Government whether in British India or elsewhere ". By the words " elsewhere ", we are not only asked to be patriotic but also philanthropic and that under compulsion, namely, we have a duty towards ourselves to discharge and we should see that there will be no revolution or any such thing not only in India, but we must go further : we must look to Soviet Russia, we must look to China, we must look to the trans-Atlantic countries. Sir, since the coming of Englishmen to India there has never been such philanthropy, I should say philanthropic legislation introduced in the Indian Legislature, in which Indians have been asked not only to guard their own interests but to guard the interests of the peoples of the world at large. Then come, Sir, the words " or the assassination of public officials ". There is a Chapter in the Indian Penal Code about assassination. Then the words occur, " or the promotion of enmity between different classes of His Majesty's subjects ". They also find a place in the Indian Penal Code. Then, " or the destruction of property or unlawful interference with the ownership of property ", which cover another Chapter of the Indian Penal Code. A very few of the sections of the Indian Penal Code have been omitted such as assault and defamation. It were better, Sir, if these sections also had found a place here. I am only trying to convince the House, of the all-comprehensive nature of this legislation though it has been couched in a very few sections, and I would ask the House that we should not pass this legislation in such indecent haste. Then in sub-section (*b*) of section 2, we have a bait thrown out to our capitalist magnates and to landholders. Only a few minutes ago, Sir, I had the honour of having the opinion of one of the biggest territorial magnates, from whom I learnt that all these statements about industrial and agrarian disputes are mere false pretences, and they are not aware of any menace from the so-called Communistic activities. Then occur the words " and other disputes of a like nature " with intent to subvert " organized government ". Subversion of organized government, that is the thing which is probably in the minds of the framers of this Bill. Then in sub-section (*c*) we have " is a member of "—mark the words—" is a member of or is associated with....." This is not only vague, but it can be stretched to such a length that any one living in India can be made to say that he is associated with it. The word " member " is not enough. It goes on, " or is associated with any society or organization, whether in British India or elsewhere, which advocates or encourages any such doctrine ". This then is really a fight against doctrines. The other sections deal with the method of removal, etc. Sir, with reference to such comprehensive curtailment of the liberties of the people of India, what are the reasons given in the Statement of Objects and Reasons ? " Evidence has accumulated....." With whom, we do not know. If we had been taken into confidence, certainly we would have given our heartiest support to any desire on the part of the Honourable the Home Member to protect our lives and property in our own country. Sir, I remember that just a day or two after the Bill was published in the Gazette of India I had a conversation with—I am not disclosing any secret I hope—the Director of Information. He inquired of me what would be our attitude. I clearly told him that we had no facts before us to justify our sanctioning such legislation. If I remember aright, I was told that he would see that we get such information as was possible. But, Sir, up till now we have not received any such information.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What about those quoted by the Home Member ?

Mr. Amar Nath Dutt : " Evidence has accumulated recently of the subversive intentions and activities of the Communist International generally....." Here, Sir, before I go any further I must admit before this House that I know very little or nothing—though I have been in public life for more than a quarter of a century—I know little or nothing about this Communist movement about which we hear so much in Europe. But in India, Sir, I have travelled through the length and breadth of this country several times ; I have never met a Communist. At any rate no Communist have ever come to me and I do not really know whether their intentions are like those which are set out here, namely, " the subversive intentions and activities of the Communist International generally, and in particular of the efforts it is directing against India ". What are the efforts ? Now, Sir, we had some illuminating news from the Honourable the Home Member. But those facts in themselves, even if they were true, I beg to submit, are not sufficient to warrant giving legislative sanction to a Bill like the one before us. We have heard, Sir, the name of M. N. Roy in connection with this and the Honourable the Home Member read from a typed copy certain things, and he was convinced that this must have come from that gentleman, M. N. Roy. Very few of us here have heard the name of this M. N. Roy save and except that it is given by the Government. It is said that he sent some letter to some one in India in order to bring in Communistic activities in India. But I do not think that any of us here have received

[Mr. Amar Nath Dutt.]

any letter like the one referred to, much less our less educated brethren, who are likely to be influenced by such subversive doctrine. If that be so, Sir, I beg to submit that the very fact of such a letter does not at all warrant introduction of legislation like this. Apart from that, we have grave doubts about the genuineness of the letter itself, of which the Honourable the Home Member could not assure us. On the other hand, we have such information with us which warrants us coming to the conclusion that that letter is nothing but a pure and simple fabrication and a forgery, and a forgery with a purpose. I shall read before this House Pandit Jawahar Lal Nehru's statement first :

" I have received a cable from the office of the League against Imperialism in Berlin informing me that they are authorised to state that the letter alleged to have been written by Mr. M. N. Roy which was published from Simla recently is an absolute fabrication."

The Honourable Mr. J. Crerar : Did not Mr. Jawahar Lal Nehru state or was he not reported to have stated that he could not say whether the letter was genuine or not ?

Mr. Amar Nath Dutt : No. I shall read further. If the Honourable the Home Member had waited for a few minutes more, he would have seen :

" When this letter was published in the press I could not of course say whether it was genuine or not. I do not know what Mr. Roy's views may be in regard to the Communist work in India. It struck me as a peculiar horror that this letter which is stated to be dated some time in December last should suddenly be given publicity eight months later. On the face of the letter it contains statements which appear improbable. The manner and the tone of publication increases the element of suspicion "

and so forth.

Mr. K. Ahmed : Where is it stated ?

Mr. Amar Nath Dutt : Wait and you will see :

" The Trade Disputes Bill and the so-called anti-Bolshevik measure coming at about the same time made it clear that the publication was designed to frighten a number of people and then facilitate the passing of the measure. The cablegram I received from Berlin stated that after enquiry it has been found that the letter is a fabrication and justifies the suspicion that it raised. I trust that no one will be deluded by this letter."

Then here is a Reuter's telegram, dated September 4th :

" Reuter learns that Mr. M. N. Roy has informed the London branch of the Indian National Congress that he did not write the letter mentioned in the message of 1st September."

In fact there was an enquiry by the London branch of the Congress about the genuineness or otherwise of this letter. That this letter is a pure and simple fabrication, no one can now be in any doubt. (*An Honourable Member* : " Question "?) That it is not a genuine document should be deduced from such historical incidents as the Zinovoff letter which brought about the fall of the Labour Government. This sort of dodge is not a new thing. Whenever repressive legislation is to be brought about, whenever Government want to be armed with any repressive measure and weapon, they generally find bomb factories and arms and ammunitions. That has been the case in Bengal before the deportations and the introduction of repressive legislations. The Government found some bomb factories, and discovered some arms and ammunitions very opportunely. I am emboldened to think that this is one of those insidious steps of publishing a letter just before the introduction of a repressive measure and asking

us to believe that it is a genuine document. I challenge that it is a genuine document. Even if it had been a genuine document, so far as I know my countrymen, they will throw it into the waste-paper basket and will not pay even the least attention to a document like it. For more than 2,000 or 3,000 years we have never known what a revolution is. We never want a revolution. We do not want subversion of the ordered state of things however miserable may be our lot under the present system of administration. This much assurance I can give to the Honourable the Home Member, and he can take it from me, that I shall be one of the first men to support his measure if he can really convince us that there is danger to person and property, not only of Indians but of any foreigner in this country, be those foreigners exploiters of this country or others. I shall support the Government in any measure to arm them with any power if I am convinced of the necessity of such measure.

Sir, there are some words in the Statement of Objects and Reasons which I want to bring to the notice of the House. It is said there :

" destroying by violence both the Government established by law and the present economic organisation of society, and substituting what they describe as the dictatorship of the proletariat ".

What do the words " dictatorship of the proletariat " mean ? I do not know what these words mean in Europe and in fact in India for generations past, this proletariat—if by proletariat is meant the working classes and the labouring classes—have been subjected to such inhuman treatment and have been reduced to such poverty that every right thinking man will try to raise their standard of living and comfort. In fact it is one of the elementary rights of a human being to have a full meal and to clothe himself properly. That has been denied in India for at least more than a century. To what this is due to, it is unnecessary for me now to discuss. But if these poor people rise to an appreciation of their own miserable condition and if anybody shows any sympathy with them and if it is made penal for any foreigner to sympathise with their lot, then, I beg to submit, Sir, that this is not only an unnecessary but an inhuman legislation. The ill-clad and the ill-fed peasantry of our country—and remember India is mainly an agricultural country—is a standing commentary of your trusteeship which was characterised on the floor of this very House by my friend Diwan Chaman Lall as a fraudulent trust.

Mr. K. Ahmed : But in Bengal the rumour is that they have taken one lakh of rupees for the Swaraj Party's fund from the Zemindars in order to pass the Bengal Tenancy Bill.

Mr. Amar Nath Dutt : From what I have already said you will see that if it is your intention to suppress Bolshevik or Communist propaganda in this country you must supply us with facts in order to enable us to be with you. But if you do not do that, we shall go to the country and ascertain public opinion to find out if the public wants legislation like this, and if we find our country wants legislation like this we shall be with you. But if both these alternatives fail, I regret I for one shall not be able to be with you in a matter like this. We have heard many things about the destruction of religion, of order, of property, of the state of society and so forth. Now, Sir, whenever any new thought or any doctrine comes into the world, we have seen that in this world of ours people do not accept easily a new doctrine. I do

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not know what the doctrine of the Communists is fully, but I believe their doctrine cannot be any thing but food and clothes for everyone in this world, and with this doctrine I think no one can have any quarrel whatsoever. If that be so, I beg to submit that to wage war against such doctrines, to legislate against such doctrines, will not be proper for any Legislature. Now in the history of civilisation one will notice that the prophets have always been persecuted ; they have been put on the cross or had to flee for their lives from their persecutors. I do not know whether this Bill is to throttle a doctrine which wants to give food and clothes to the poorest and to share as much as possible the goods of this world equally, whether this doctrine is to be put down by its opponents and persecutors in the way in which it is being attempted to be done. If that is so, I may warn the Honourable the Home Member that you cannot crush a truth. You may imprison it, but remember that it acquires an electrical elasticity within the dungeon-walls and shakes the whole world when it comes out, as has been the case with all the religious teachings in this world. Do not put a ban on this world wave of thought. I would be the first man to have all the foreigners deported from my native country. Why did they come here at all ?

Mr. K. Ahmed : To hand over a purse and distribute money among the Swarajists.

Mr. Amar Nath Dutt : Any way they are here now and for more than 100 and 200 years we have lived side by side and probably we are destined to work side by side for many hundred years yet to come. (*Cries from the Congress Party Benches of* " No, no.") Because that has been our lot. India has given home and shelter to many foreign and alien nations. Even the Aryans were an alien race. The true inhabitants of this land were the so-called non-Aryans. So in India every one will find a home, a peaceful home. But to exclude a certain section of foreigners for the benefit of another section of foreigners is a thing which I do not support. Our real apprehension in this matter is this, if I am to be frank, we think that they will deport men who have any pro-Indian feeling under the guise of this. We cannot invest the six Honourable Members of the Viceroy's Executive Council with such wide powers. We have seen how the power given to any executive authority is always abused. It is not always that we will have good men of the type of the Honourable Mr. Crerar at the helm of affairs ; others may come in whose honesty we may not have the same faith and who really may not be the same good men as the Honourable the Home Member. So, Sir, before arming the executive with such drastic powers over the liberty of any man in this country, I beg to submit that we must be satisfied that there is necessity for legislation like this immediately. What I ask for is this : let us go to the country and let us ascertain public opinion and then come to a judgment ; and then, if our judgments vary, of course the legislation will take its course. But what is the use of asking us to accept certain facts about which we have no knowledge and with which you come to-day before us and ask us to believe too much every word of which probably has been supplied to the Home Department by some underling of the C. I. D. ? In fact, if there was a

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law like this, many of us are old enough to remember that probably men like Sir William Wedderburn, Charles Bradlaugh or Robert Caine and others who used to come to the Congress would have been deported ; I do not know if even Sir Henry Cotton would have been free from it. So, Honourable Members of this House who have any sympathy with Indian aspirations will not also be safe, unless they themselves be Members of the Executive Council.

Another very objectionable feature of the Bill occurs in section 7. Sir, there is no law of *habeas corpus* in India, except the meagre provisions contained in section 491 of the Criminal Procedure Code ; but that section has been so framed that it is almost of no avail, and in fact such things as Regulation III of 1818, and the analogous Regulations of Madras and Bombay have been exempted from it. Of course the Code of Criminal Procedure is a later act although there is no such reservation in the Regulations : but here the Government has been very careful to introduce a provision that no such writ of *habeas corpus* can be had under section 491, *i.e.*, that section will not be applicable to any one against whom such an order has been passed. Not only that, but the Executive Council has been clever enough to guard itself against any damage that they may be liable to pay for their unjust orders ; and they have said " and no suit, prosecution or other legal proceeding whatsoever shall lie against any person ". Sir, they are afraid of their own machinery of the courts of justice, which has been at times too docile to oblige them, and, if I may be pardoned, the Executive Government is also too docile to allow them to indulge in their freaks as we have witnessed recently in a High Court. I do not wish to take up more time of the House on this subject, and I appeal to the Honourable the Home Member to give us a little more time to consider the necessity of legislation of this character. The whole world is not going to be upset by a month or two or three, and I think there can be no objection to the acceptance of my amendment which I have just placed before the House.

Mr. C. S. Ranga Iyer : Sir, the Honourable the Home Member made a speech on which I for one, seldom accustomed to congratulate the Treasury Benches, should very sincerely congratulate him. I congratulate him because, Sir, it is so difficult to speak against logic, it is so difficult to speak against common sense ; it is equally difficult to speak against justice, and when the Honourable the Home Member comes to this House and makes such a speech, we must certainly congratulate him. His speech, Sir, lacks common sense ; his speech lacks logic, and his speech lacks justice.

The Honourable the Leader of my Party had raised, before this debate began, a point of order, which has yet to be decided on by the Chair,—all compact with common sense. We are here, Sir, speaking in a Legislature, which, we have been told time and again, is subordinate to another Legislature in another part of the world. We are, Sir, at the same time asked to legislate on things on which the House of Commons, " the Mother of Parliaments ", as it is called by the House of Commons people, and " a barren woman ", as it is called by Mahatma Gandhi in his book, the " Hind Swaraj ",—that august Mother of Freedom dare not take up an attitude which the Honourable the Home Member has taken up in this House to-day. Sir, those who have had the privilege, those who have had the opportunity, of witnessing the meetings of the House of Commons, will agree with me that, were a motion of this kind brought forward by

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Mr. Joynson Hicks, the well known "Jix", had such a motion been brought forward in that august Mother of Parliaments, you could imagine the storm that would have risen from the opposition, you could picture to yourself the storm in the country. Sir, it was a well-known poet of the nineteenth century that spoke of England :

"It is the land that freemen till
That sober suited freedom chose,
A land where girt with friend or foe
A man may talk the thing he will."

Well, that is England, and when Englishmen come to India they do not want their own countrymen here who do not belong to what I may call, the bureaucratic club.

This is a legislation, Sir, that is directed not against my countrymen. It is a legislation directed against their own countrymen who do not join in the unholy business of exploitation. It is a legislation directed against their own countrymen, because an Englishman in India hates to see another Englishman going against England's Imperialism in India. It is a malicious piece of legislation. It is a racial piece of legislation, racial in this sense that there can be only one race in this country—the Imperialist race, and not the Socialist race. It is a legislation directed, instigated, I should say, partly by that group that sits over there, more powerful than the bureaucracy, the Anglo-Indian group, and when I say the Anglo-Indian group, I do not include in it the group to which my friend Colonel Gidney belongs. I use the word "Anglo-Indian" in its old classical sense. I use the word to mean the non-official British in India.

Sir, that group has instigated the Government publicly, openly instigated this Government to deport Mr. Spratt. (*An Honourable Member* : "Why not ?") I hear a voice from the European Benches : "Why not ?" That is exactly my whole case. (*An Honourable Member* : "Shame.") My friend over there (pointing to the Congress Benches) says "Shame". They are perfectly entitled to have their own countrymen deported from this country, from their point of view. From our point of view they are not entitled. I am coming to that point.

I am very glad, Sir, that the Anglo-Indian group has endorsed my statement that they have instigated the Government to take action against Mr. Spratt. Sir, students of Indian history will remember that the same group in another century wanted to deport another gentleman. I would ask those Anglo-Indian gentlemen who are in this House to read Lord Curzon's stately volumes, "The British Government in India". And if they read the second volume of Lord Curzon's works, they will find that Lord Curzon has referred to that wonderful incident, I think an incident about which Anglo-India can never be ashamed, even though India may be ashamed. Sir, in spirit, that is nothing more than the deportation which they ask now of Mr. Spratt and which they wanted then of a Viceroy of India. (*Mr. D. V. Belvi* : "Lord Ripon.") My friend Mr. Belvi has supplied the gap. Of the fate that Lord Ripon was threatened with, every student of Indian history knows, and we must be grateful to Lord Curzon for having placed the fact on record. They wanted to deport Lord Ripon. And why ? Because Lord Ripon came to this country with an idea of abolishing that racialism in the administration of justice. Here I would ask Honourable Members in this

House to read that fascinating book of Lucian Wolfe which they will find in the Library : "The Life of Lord Ripon". I would also ask them to read Lord Curzon's book. But I shall presently for their benefit quote a passage from the one book as well as the other regarding the occasion, for the contemplated deportation of a great Viceroy, and the same mentality prevails there to-day. If a Viceroy dares to venture conclusions with the Anglo-foreign group he will be deported, even as Spratt will be deported or an alien rat will be deported. Has the Anglo-Indian community at any time, I ask, stood for the reign of law ? The Honourable the Home Member was talking of "discretionary power". I should say they stand for the reign of indiscretionary power ! They not only want the strength of a giant, but they want to abuse it like a giant. Who does not remember the Ilbert Bill agitation, the storm which was raised in European circles when Lord Ripon proposed—I am now quoting—"to remove from the Code at once and completely every judicial disqualification which is based merely on racial distinctions" ? "The Viceroy" says Lord Curzon in the volumes to which I have just referred, "was personally insulted in Calcutta." The Anglo-Indians—by which I mean the European Civil Service as well as the non-Civil Service people,—insulted the Viceroy in Calcutta ! Lord Curzon goes on to say that "the Government House was partially boycotted by the British community", not by Indians of the type of my esteemed friend Pandit Jahawar Lal Nehru but "by the British community." "The Services" Lord Curzon goes on to say "were exasperated and estranged". And what next ? Lord Curzon goes on to say : "A plot was hatched for kidnapping the Viceroy, hustling him on to a ship and sending him on to the Cape." That was before the famous Frenchman pierced the Isthmus of Suez. (*An Honourable Member* : "You cannot do that under this Bill.") Yes, I agree with the Honourable the European Member, you cannot do that under this Bill, but you can do something worse. You can make the Viceroy a tool in your hands to sanction the deportation of anybody you like. (*An Honourable Member* : "Not Indians.") Any one of their own community. I am not talking of Indians so far as this Bill is concerned. Indians are deportees in their own country, whether they are deported or not deported. I am referring, Sir, to an incident which took place in the nineteenth century and which is taking place in this century in a ghastlier form. I use the expression "in a ghastlier form", because under this Regulation, which is no more or no less than an Externment Regulation, they want to deport their own countrymen who do not join them in singing "Rule Britannia", because they fell Britain rules the slaves as truly as Britain rules the waves. They would chant a new hymn of how "Britain rules the slaves" ! Must those, I ask, who do not sing that old song of "Rule Britannia" be deported ? Mr. Spratt, Sir, is as honourable a gentleman as I could find on the opposition benches. (*Honourable Members* : "More honourable.") My friends over here say "more honourable". I know he is a pleasant man to talk to, and if he is such a dangerous character, is not the law strong enough to proceed against Mr. Spratt ? That is the man they want to catch. They want to deport him without delay. That accounts for the anxiety of the Honourable the Home Member. They want to deport him just as they deported another gentleman, an Englishman, from Bombay. It may be asked : "Why should they not take action against him, if they choose, and take also, in future, similar action against the opposition members in the House of Commons" ? But, I say, there is the ordinary law if

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they want to take action against Mr. Spratt or against any Englishman or Russian, though I do not know either from the newspapers or from the speech of the Honourable the Home Member of any Russian going about in this country ; that evidence at any rate has been denied to us and Russians are not fools to come to this country. (*An Honourable Member* : "Question.") As Great Britain has cut off all diplomatic relations I do not think Russia issues passports to Russians going to England or other parts of the Empire even as England does not issue passports to Englishmen or other British subjects to go to Russia. Sir, I was referring to the law, and when another piece of repressive legislation was being enacted, a gentleman whom the King delighted to honour made the following observations which are appropriate on this occasion. He made it in the old Imperial Legislative Council, and what he said can be quoted word for word here :

"Not only is the measure in my humble judgment uncalled for and impolitic but it is also superfluous....."

(*An Honourable Member* : "Who is he ?")

So said Sir Rash Behari Ghose,—not a Swarajist—

"..... as the Indian Statute-book gives the Government ample powers to put down sedition."

The Honourable the Home Member was referring to a certain letter. If it was seditious, why was not action taken against the newspapers which published it ? Why was the Associated Press permitted to publish it and to broadcast it all over India ? If Mr. M. N. Roy's letter is seditious, why has action not been taken against the *Statesman* of Calcutta for publishing it ? My friend Mr. Amar Nath Dutt was quoting the opinion of Pandit Jawahar Lal Nehru. Pandit Jawahar Lal Nehru knows as little about that letter as any gentleman sitting on this side of the House. I think the views of Pandit Jawahar Lal Nehru about the authenticity or unauthenticity of that letter could be no better or no worse than the views of any other gentleman on the subject. One may be prepared to grant, as Pandit Jawahar Lal Nehru has granted, that that letter, judging from the clumsy circumstances of its publication, might be a faked document. One may be equally prepared to grant, as the Home Member has granted, and I agree with the Home Member that his views as well as Pandit Jawahar Lal Nehru's views on the subject might be alike. I am prepared to grant, that the letter is authentic. But, then, supposing a lunatic writes a letter from abroad, supposing you get another lunatic to telegraph it to the Indian newspapers, and supposing a few other lunatics publish it, can sane men bring forward a legislation worthy only of lunatics ? Sir, Mr. M. N. Roy's letter may be an authentic document, he may be a revolutionary—I have not had the honour of knowing the gentleman. There are revolutionaries at home and abroad. I do not for a moment say he is a revolutionary—I do not know him. I do not know anything about his letter. There are revolutionaries abroad, there are Indian exiles abroad. Are they not entitled to be revolutionaries ? Are they not entitled to send letters, and is not the Government entitled to proscribe these letters ? Is not the law of proscription strong enough ? Sir, I thought that the Honourable the Home Member, knowing his business as he does, would not have come and said : Here is the letter of Mr. M. N. Roy compelling this new legislation. It may be an old letter, it may be a new letter, but he would not have come to this House for more power He would have taken action against the *Statesman* of Calcutta for publishing it just as he has taken action against the *Forward* of Calcutta in another matter. I would, Sir, have asked him to take action against the Associated Press for broadcasting this seditious document, if the Associated Press is, as claimed by my Honourable friend, Mr. Roy, an Indian and not a pro-Government agency. I believe it is not a Government agency, and I presume that this is not a Government document But then why has action not been taken for preaching sedition openly Why should the Honourable Member come to this House and say, "Give us the power to deport Tom, Dick and Harry, honourable Anglo-Indians Indo-Britishers ?".

Mr. K. Ahmed : What about the *Muslim Outlook* and its editor ?

Mr. C. S. Ranga Iyer : The Honourable gentleman over there knows more about that paper of whose existence I am not aware (Laughter.) To continue the quotation from Sir Rash Behari Ghose, he said, "You will find the iron hand concealed in the velvet glove in section 108 and also in section 144 of the Criminal Procedure Code which enabled the Magistrate of Calcutta only the other day to take action in certain matters. Unlawful things could be dealt with under sections 12 to 132 of the Criminal Procedure Code, while open sedition may be punished under sections 124A, 153A and 505 of the Indian Penal Code. The Indian Penal Code is meant not only for Indians but also for offending Englishmen. Therefore, why should the Anglo-Indian group ask for an Externment Regulation even as there is an internment Regulation This is no more, and no less than Regulation III of 1818 for foreigners They could as well have promulgated a new Ordinance and a new Regulation. That would have been more simple instead of coming to the Legislature and asking for new power. Sir, it is a craze of modern autocracies to ask for more power. More power was asked for even by a King of England, I believe it was George III. It was during King George III's administration, however, that the House of Commons moved a Resolution that "the power of the Crown has increased, is increasing and ought to be diminished." If you delete the word "Crown" and use the word "Executive in India", I think that Resolution might as well be carried in this House. I could read to you, Sir, the opinion of prominent legal authorities on a lawless measure of this kind. This measure is only worthy of a bureaucracy which seeks legislative sanction to increase its powers and which has already unlimited powers.

"It is a commonplace,"

said Lord Hewart to the American Bar Association,—

"that the rule of law involves at least two things ; one is the absence of arbitrary power on the part of Government, and the other is equality before the law.

"But is it quite certain that this system of ours—the rule of law, equality before the law and the exclusion of arbitrary power—is quite free from risks of invasion and diminution ? Has there not been during recent years, and is there not now a marked and increasing development in bureaucratic pretensions, the essence and aim of which is to withdraw more and more matters and topics from the jurisdiction of the courts and to set them apart for purely official determination ?"

Lord Hewart delivered that speech to the American Bar Association America is a country where liberty has run riot, and the Government America dare not clothe themselves with extraordinary powers against American citizens which the Government here asks us to give the

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gainst British follow-subjects. When a danger of that kind is dreaded n self-governing countries like America, how much more fearsome must his arbitrary power be to an executive which is not responsible to the people ?

Sir, it is unnecessary for the Honourable the Home Member to come nd talk to us of the constitution of society, of India's culture, and so n and so forth, being put in jeopardy. I wish the Honourable the Home Member had read the observations of my friend, Pandit Jawahar Lal Nehru, in the Unity Conference at Lucknow. If he had read that speech of Pandit Jawahar Lal Nehru, he would find in that speech a suitable reply to the speech he was pleased to deliver here. Pandit Jawahar Lal Nehru observed in effect : " Can a few alien gentlemen, call them Bolshevists, set India on fire ?" That one sentence contains the reply o all the arguments, to all the pretensions, to all the claims that the Honourable the Home Member lays before us. Indians are competent o protect India's culture which could not be killed by alien invasion in the course of centuries, which cannot be protected by legislation of this kind. India's culture does not want alien protection by legislation of this kind. I would not have much respect for India's culture if it could be put in danger by half a dozen seditionists or revolutionists or republicans or Bolshevists or Communists from foreign lands. India's culture had better be left alone by the Honourable the Home Member.

Then he talks of India's society. India's society is not put in a steel frame, though Mr. Lloyd George, when I had the honour of lunching with him was not.... (*An Honourable Member* : " What about champagne ?") (Loud laughter.) The Honourable Member who interrupted obviously thinks of lunch and of champagne and of Welshmen who are not generally teetotallers.

Mr. K. Ahmed : What about yourself ?

Mr. C. S. Ranga Iyer : I thought the Honourable gentleman knew something about myself. Has the Honourable gentleman concluded his very interesting enquiries ? (Laughter). Mr. Lloyd George, who used that historical phrase, " steel frame ", said, " I got into a lot of trouble over that phrase ", and you know, Sir, how phrases are used in the House of Commons.—I thought that the constitution of Indian society did not stand in need even of the steel frame of Mr. Lloyd George's bureaucracy in India. Indian society has stood the onslaught of time, the onslaught of alien invasion. It has withstood even the Europeanisation of Indian customs, and it does not stand in need of protection by legislation of this kind.

Then the Honourable the Home Member talked of the last world war. Then I think there is going to be another world war, it is rather pathetic of the Honourable the Home Member to talk of the last world war. To-day it is a dream and a nightmare, and Indians have their own opinions of what they did in the world war and what they got in return. Indians during the last world war loyally stood by England, saying " England's calamity is not our opportunity " but India's calamity to-day is obviously the Home Member's opportunity, otherwise he would not have brought forward legislation of this kind. (Laughter). Sir, at a time when at Lucknow all the parties have sworn by a resolution which stands for Dominion home-rule and the British connexion, surely the Honourable the Home Member need not have acted as if the whole country were disloyal

and indicted a whole race by bringing forward legislation of this kind fearing that a few wandering Englishmen or continentals can set it on fire. I consider, Sir, that this legislation is an unhappy reply to the plea for Dominion status, for Dominion Home Rule. It is not an encouraging response to an attitude of loyalty to the British Throne which all the parties in the country have truly shown. Surely, if India is loyal as Lucknow gave proof that India is loyal, it is not for the Honourable the Home Member to say that a letter from Mr. M. N. Roy could disturb the equanimity of India or shake the loyalty of its people ; it is not for the Home Member to say that the one or two other documents that he mentioned could set the whole country ablaze. Sir, this Bill is an aspersion on the whole race ; it is a piece of legislation which I say the Home Member in his calmer moments will not be prepared to support. Then, Sir, he talked of " Communism in action ". Was that the phrase the Honourable the Home Member used ?

The Honourable Mr. J. Crerar " Communism ".

Mr. C. S. Ranga Iyer : Not communalism ? (Laughter.) The Home Member could have more appropriately thought of communalism in action if Communism were in such a diabolical action as communalism, I might have sympathised with the Home Member. The Home Member has made some study of the Indian constitution and of Indian culture : and In has, as he ought to know, no genius for Communism. That is a foreign growth. You cannot transplant it either from the Soviet Opposition in England's Parliament or Soviet Russia to this venerable country. Therefore, the Honourable the Home Member, if he knew Indian culture as some of us do, would not have liked to bring in a thing which Indian culture and Indian society do not want, do not support and do not ask for. Therefore, frankly speaking, the Home Member was not really concerned about India's culture or India's society ; he was observed with Communism which is on the brain of the Government. Then he talked of a conspiracy case of 1924.—and we are now in 1928. But, Sir, he ought to tell us who are the " conspirators ", to use an expression which I may not ordinarily like to use but I use that phrase under quotation. Who are the so-called conspirators to-day ? As for the 1924 incident, were they not hanged or were they not imprisoned ? Were they proceeded against or were they not proceeded against ? Having punished those people declared guilty in 1924, no man with a sense of the law, leave alone logic, with a sense of justice, leave alone administrative virtue, would have come to this House and said, " Oh, the conspiracy case of 1924 ". If the conspirators had escaped, if they had not been punished, if no action had been taken, might have pardoned the Home Member for making that statement.

And then he talked of " peasant revolt ". Sir, I had the honour of taking part in a peasant revolt. I may yet have the honour of taking part in numerous peasant revolts, for I do believe that there is a crying necessity for helping to bring about a higher standard of life for India's impoverished, doubly-oppressed peasants. Does the Honourable the Home Member know that there was really a peasant revolt in the United Provinces ? He referred to Chauri Chaura. Well, I shall come to it presently if time permits, but I am talking now of the peasant revolt. There was a peasant revolt in Rai Bareilly when I happened to be in charge of a newspaper in Allahabad called *The Independent*. A few peasants were shot. I do not want to go into the details of that case. I stood for the

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peasants, wrote against the violence that was inflicted on the peasants and I of course had to pay the penalty. Peasant revolt can be put down ; it has been punished. " You have the Seditious Meetings Act, have you not ? " I put that question to the Honourable the Home Member. Is not the Seditious Meetings Act intended to put down the peasant revolt ? I put that question again to the Honourable the Home Member. As compared to his predecessors in office he is a younger man, a newer man to this House, and I would ask him to go through the entire literature bearing on that subject. Was not the Seditious Meetings Act meant to put down the peasant revolt ?

The Honourable Mr. J. Crerar : No, Sir.

Mr. C. S. Ranga Iyer : Then the Honourable the Home Member does not know the subject ! I am afraid the Honourable the Home Member is rather raw to that subject, if I may say so without offence. If only he could remember what his own Government did ! Perhaps he lacks information. The Honourable the Home Member ought to be aware that four of the principal peasant districts of the United Provinces were suppressed. He may not like that word " suppressed ", but they were dealt with under the Seditious Meetings Act, and the Governor in Council acting with his Ministers supported the application of that measure. The Government of India supported it. The most effective manner in which the peasant revolt was dealt with in the United Provinces, in spite of the opposition of the Indian papers, was under the Seditious Meetings Act.

And then he talks of the landlord and the capitalist. I ask, is the British Government meant only for the landlord and the capitalist ? Have not the Indian peasants the right to carry on an agitation in this country ? Have we not the right, I ask, to bring friends from abroad so that the Indian peasants may know that all Englishmen are not tarred with the same brush ? I consider, Sir, that a Spratt, that an English socialist, is incidentally making India more fond of Britain by telling Indians in India that all Englishmen are not tarred with the same Imperialist brush. This is, Sir, a Tory legislation meant to put down the little help that we might get, if not to-day, then in the future, from the British socialists. As a staunch adherent of the Socialist Party in Great Britain I do think that this is aimed at my British comrades. I say it is a malicious piece of legislation which could not stand a moment's oration from the Tory Benches in the House of Commons. It is not a question, Sir, on which the Tories dare go to the country and take the verdict of the country. Let the Tories go to the great English public during the general election on this particular issue, and they will have meted out to them the same fate that was meted out to Labour on a former occasion. Sir, it is well and good for Englishmen here who are more Imperialistic than their own Imperialistic countrymen at home to take up this attitude of absurdity towards their own countrymen. If the Honourable the Home Member had the common sense to confine this legislation to Russians, because the British Government has cut off all relations with Russia, I would say the Honourable the Home Member is richly endowed with the quality of statesmanship. But he wants to take action against our British fellow-subjects under a law which is no law, because there is no trial here, nothing of the kind. A ukase will be issued by the Viceroy

of India, as it used to be issued by certain types of monarchs in the nineteenth century in Europe. A ukase is issued and the " undesirable " gentleman is deported, even as the Anglo-Indian community wanted to deport a Viceroy. That is a kind of legislation which no Legislature can support. Any Legislature which respects other people's rights and liberties will throw such legislation into " the waste-paper basket "—to quote, Sir, your own historic phrase uttered on another historic occasion.

Mr. K. Ahmed : You will be tried by a first class magistrate ; there is the Evidence Act and the Criminal Procedure Code to be followed.

Mr. C. S. Ranga Iyer : Will the Honourable gentleman stand up and put his question ? (Laughter.)

Sir, then the Honourable the Home Member shed some tears, as the old crocodiles according to the fable, over " the privations and the sufferings of labour." Surely the Honourable the Home Member is not assisting labour by passing a legislation of this kind, but proclaiming to the world that Indian labour is in the hands of a few European Communists, which is far from true. That is his advertisement of Indian labour to the wide world, that it is like potter's clay in the hands of a few European Communists. Sir, I do think that the people who will have the heartiest laugh over the speech of the Honourable the Home Member are the Communists in Russia—if only my friend the Publicity Officer will spend a little Government money and send a cable to the newspapers of Moscow about this. There will be nothing to encourage them better than the speech of the Home Member ! Who could have imagined that a pamphlet could have made all the mighty bureaucrats of India panicky ? Who could have imagined that a leaflet could have made them shake in their shoes ? Surely, if the communists of Russia had been told that the Government of India was panicky—all foreign Governments are panicky —if they had been told that the Government of India were quaking, they might not have believed it, but to-day the Honourable the Home Member has furnished a proof. He has really issued an invitation for war to the Communists of Russia. He has really advertised that India is under the influence of Communism. He thinks India is ablaze with Communism. His whole speech was soaked with Communism. We thought we were going to get some proof of the existence of Communism, but we were told about stale pamphlets which were reproduced partly in newspapers and for which the newspapers have not been punished, obviously because the pamphleteer and the pamphlet have not been seditious. Then he dwelt on the course of events in the industrial world. I would ask him to read, if he has not refreshed his mind, the reply that was given to this House by Mr. Parsons about the course of events in the industrial world. Was it Communistic or was it economic ? Sir, the course of events in the industrial world can take care of itself.

Then he talked of protective legislation. I should think, Sir, that this is not a protective but a destructive legislation—and a destructive legislation of this kind, aimed not at me, not at my friend Pandit Jawahar Lal Nehru, not at my other friends in the Congress, not at Mr. Subash Chandra Bose, not at my friend Mr. Satyendra Chandra Mitra, not long ago a Regulation prisoner,—who, we were told, by the way, was a terrible anarchist, though he does not look an anarchist. We all know, Sir, how Regulation III was abused and it was a Home Member of the Government of Bengal who said 14 or 20 years after, speaking about Mr. Dutt of

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Eastern Bengal and Assam, that he never believed he could have been involved in a revolutionary conspiracy and he was really sorry that the Regulation was used against him. We can have similar confessions about these deportations 20 years after from these very energetic persons. But what we are really concerned with is not their confessions, but the dealing of justice ; and in this matter, Sir, we are entitled, the House is entitled, to hear the opinion of two Europeans, independent Englishmen in India, who can be deported, just as Mr. Satyendra Chandra Mitra was deported. I should give the two sample opinions of the Editor of the *Pioneer*, Mr. Wilson, and of the Editor of the *Herald*, Mr. Horniman. Both of them, as this House is aware, are the *bête noire* of the powers that be. It was only the other day, replying to a question of mine, that the Army Secretary enlightened the House with very interesting information that at least so far as the Government were concerned the *Pioneer* had ceased to be a newspaper of any " reputation "! We all knew the reputation that the *Pioneer* used to have until lately. One need not be surprised, Sir, now under this Bill the Editor of the *Pioneer* could be deported without trial as a Bolshevik agent ! Let us hear what the *Pioneer* has to say on this subject :

" It is an extension on a larger scale of the infamous Regulation III. The seventh century in England witnessed the attempt to make the judiciary dependent upon the executive. It cost one King his head and the other his Crown. The liberty of Englishmen was vindicated by independent Judges against all encroachments of the executive, whether regal or parliamentary and it is no exaggeration to say that these particular provisions in this new Bill are a retrograde step towards a doctrine which has long been viewed with righteous hatred in Great Britain."

Well, Sir, this is what an Englishman says and not a bureaucrat. The latest attempt to revise the principle of liberty of persons has been met with the strongest denunciation. The *Pioneer* very wisely and truly and justly concluded :

" If the liberty of British subjects is to be in the hands of officials, it will be a bad day for India."

Of course by " India " it means the few independent Englishmen in India. Now, let us hear what Mr. B. G. Horniman has to say on the matter :

" The true reason is that the bureaucracy wants to get rid of non-Russian, non-Indian British public workers who are an inconvenience to the capitalist policy of domination and exploitation. A few weeks ago the Bengal Chamber of Commerce was fulminating against the activities of Mr. Spratt"

—a fact which my Honourable friends over there have since approved and endorsed—

" The Anglo-Indians in Calcutta, Bombay and Madras demanded with one voice his removal from the country. The demand was preposterous because no British subject can under any law whatsoever be removed from this country without trial. The Government saw their limitations and now seek to have unbridled powers to deal with such persons. It will thus be clearly seen that it is not against the agents of the Communist International, of whom there are none in India, that the Bill is directed, but it is against the British subjects who, instead of joining the ranks of their exploiting countrymen, come here to organise resistance to exploitation."

Now, then, Sir, I must speak out the Congress view. We Congressmen have an idea, a very old idea, perhaps older than the quotations which the Honourable the Home Member placed before us from certain communications. I think the Honourable the Home Member is aware, and if he is not aware of Indian politics as he does not seem to be much aware, he ought to acquaint himself very soon about the real Indian politics. He must be

aware that Indian politicians wanted to organise, as the late lamented Desbandhu Das described in the speech at the Gaya Congress, a pan-Asiatic federation, a federation of Asiatic culture. With a Regulation like this of externment on the Statute-book, how can we think of a pan-Asiatic federation, a federation of Asiatic culture ? It is all well and good for the Honourable the Home Member to come to this House and talk of Indian culture. Indian culture has always been in touch with Asiatic culture. There is give and take. Cultural currents have been flowing into this country, and when we propose to organise, when we aspire to have a pan-Asiatic federation of oriental culture, the Honourable the Home Member comes up with this legislation. Once this Bill is passed, which foreign delegate will care to come to this country ? Therefore, Sir, I submit that it is a sinister attempt, the immediate object being the deportation of " undesirable " Englishmen, undesirable from their point of view and not from our point of view, but the ultimate object of the Government in bringing forward this Bill is to cut off India, to isolate India from other countries. The Himalayas are obviously not big enough for the bureaucracy for that purpose. For the purpose of isolating India, they want a mightier Himalaya, they want a bureaucratic legislation to supplement the internment Regulation. This legislation should not be approved by this House.

Before concluding, I submit that the economic aspect to which the Honourable the Home Member referred is not based on Bolshevism or the activities of Communist or semi-Communist agents or their suspected victims, but it is based on hunger. " Hunger ", said a great Irishman of the eighteenth century, I refer to Edmund Burke, " is the prolific cause of revolutions ". The strikes have taken a revolutionary turn as the Home Member perhaps fears they have or they are likely to. I do not think so. It is based on the hunger of the Indian people. Readers of Miss Mayo's " Mother India " are aware what a poor country India is. Even that wonderful woman has not denied the poverty of the peasants, the poverty of the working men, of India. The Government are unwilling to increase the standard of life of the peasants, they are unwilling to improve the lot of the industrial and agricultural labourers. Is there any other country in the world with this terrible difference between labour and the gentlemen-at-large with a little money, a little income, as in India ? In no country in the world is labour so poor, is life so wretched, is existence so miserable, as in India ; and that, Sir, has to be tackled and nothing else, if the root cause of present discontents is to be removed. This Legislature cannot tackle it. I know a few Englishmen came to this country to investigate the condition of things and published it in their own country much to the disadvantage of the bureaucracy in India. I know they come constantly and go back and tell their countrymen that India is no longer a land of pagoda trees. It is a land of regrets not only for Englishmen but for Indians also ; and, Sir, the Government do not want this kind of home truths to be published in England as it is being published to-day. This legislation is aimed at our friends in England. I believe, as the Honourable the Home Member truly said, " the interests of India and Britain are identical ". I know that Britain is going the Socialist way. It is bound to go because Englishmen want more bread and butter ; and India is bound to go the same way because our interests are identical. To-day you do not have a Socialist opposition in this House as you have in the British House of Commons. His Majesty's Opposition in the House of Commons is Socialist. This legislation is aimed at Socialism in this country (*Sir Denys Bray*: " *No* ! ")—

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not as preached and practised by Indians. I heard the Honourable the Foreign Secretary say " No ". I am afraid I must answer that question. The Foreign Secretary said, when I stated that this legislation is aimed at Socialism, " No ". I was saying it is legislation aimed at Socialism not as carried on by Indians but Socialism as it might be assisted occasionally by our friends in England who visit India. And then, Sir, look at the far-reaching character of the legislation :

" Anyone who is a member of or is associated with any society or organisation which advocates or encourages any such doctrine or activity as is described in clause (*b*) seeking to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting the authority of law or organised government in British India or with any object the attainment of which is intended to conduce to that result."

How wide, how elastic this is—" any object the attainment of which is intended to conduce to that result " and " a member of any organisation ". For instance, many members of the House of Commons and British public life are members of what the Honourable the Home Member was, I thought, not bold enough to tell this House, namely, the anti-Imperialist League. I do not happen to be a member of that organisation though I had the invitation from that organisation to attend numerous meetings of its members held in England. As I did not agree with certain of its principles I did not join that organisation, but I have some admiration for certain members of that organisation whom I happen to know, and I should think that India would be none the worse nor England for sending these people to this country. Some of them are not so bad as the Honourable the Home Member might imagine. Some of them do want to abolish the Empire, but they want to bring into existence a Commonwealth of Free Nations and I do think that they are as great friends of England as Sir Campbell-Bannerman was. He saved South Africa for England and, even so, their intention is to save the Empire for the future by recreating it into a Commonwealth of Free Nations. Under the new law, some of my friends in England, if I happen to invite them to this country, can be deported the moment they land in Bombay.

I think some Honourable Members in this House might be inclined to say : " That is just the right thing, because when they go back they will speak in the House of Commons and before the British public how wretchedly India is governed ". That, I believe, Sir, is a case of extremes meeting. (*Mr. C. Duraiswamy Aiyangar* : " Hear, hear.") My Honourable friend from Chittoor says, " hear, hear ". I know he shares that opinion and I know others in this House do share that opinion. " Why put obstacles in the way of the Government ? Let dog eat dog. " That is their attitude and that is one way of looking at this new move ; but it is not the way for a legislature to look at it ; it is not the way for lovers of justice to look at it, because justice is neither racial nor is it governed by latitudinal or longitudinal limitations.

One strong objection, Sir, and that is almost the last observation that I have to make on this subject is this : the Bill says :

" all charges and expenses incidental to the removal from British India of any person in respect of whom a removal order has been made and of his dependants, if any, and of his or their conveyance to such place outside British India, etc., etc., shall be borne by the Governor General in Council "

that is to say, by the Indian tax-payer. Sir, it was on a former occasion that this House resisted but resisted in vain—as the bureaucracy nullified

our verdict—that we protested against giving a free passage to every new born babe in a European home in India under the Lee dispensation ; and now we are asked to give free passage also to English undesirables. That is a thing that the Indian tax-payer can not very much relish. Why should the tax-payer pay for their passage ? There is terrible unemployment in England and some of those unemployed might come to this country on the cheap and just for the satisfaction of getting a free passage deliver one or two Communist speeches. (Laughter.) Not only are they to be given a free passage, but their children and their dependants ! India is " our large Dependency " in European verbiage, but surely she need not provide for the dependants of English undesirables also. We have very much provided for the desirables and for the children of the desirables. It is cruelty to the Indian tax-payer to call on him to provide for the undesirables.

Lastly, Sir, I shall say this : let the Home Member wait for another year if he is a sportsman. I have said some very hard things against him and I have almost questioned the fact that he is a statesman, but I ask him at least to be a sportsman. If he were a sportsman I would ask him to wait for another year and to await the general election ; and then after the general election, well, if the Tories are returned, which I d[illegible] he might perhaps be supported by His Majesty's Government ; b[illegible]ns that ought to give a sporting chance to the great country from whic[illegible] Court comes ; and if the Socialists are returned to power and if then he int[illegible]s foll to promote a legislation of this kind, they will not like th[illegible]as in colleagues in England to be deported from India, he will either cease [illegible] the Home Member or the measure will cease to exist. In any case I will ask him to be a sportsman and not try conclusions with the destinies of his own countrymen in India because India's interests, in his own words, are identical with England's [illegible]rests. England wants Socialism and liberty to preach it, and India [illegible]nts Socialistic friends from England to come out here and teach her [illegible] preach it.

Sir Hari Singh Gour : Sir, I beg to move the following amendment :

" That the Bill be referred to a Select Committee consisting of Lala Lajpat Rai ..... "

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Please omit my name.

Sir Hari Singh Gour : You agreed.....

Lala Lajpat Rai : I have since changed by mind.

Sir Hari Singh Gour : May I suggest Mr. Jayakar ?

(Mr. Jayakar nodded dissent.)

Mr. D. V. Belvi : On a point of order, Sir. I want to know what has become of Mr. Amar Nath Dutt's amendment for circulation of the Bill in order to elicit public opinion ?

Mr. President : Mr. Amar Nath Dutt's amendment is there.

Mr. D. V. Belvi : Are we now considering the whole Bill on its merits ?

Mr. President : I have called upon Sir Hari Singh Gour to move his amendment to refer this Bill to a Select Committee and I then propose to throw open the discussion on the whole Bill. The consideration stage,

[Mr. President.]

Select Committee stage, and the motion of Mr. Amar Nath Dutt—the whole Bill will be discussed on these three motions and it will be open to Honourable Members to deal with the whole question.

The Honourable Member, I hope, has ascertained from the Members whose names he is reading out that they are willing to serve on the Select Committee.

4 P.M.

Sir Hari Singh Gour : I did so, including Lala Lajpat Rai, though he has since changed his mind.

Mr. President : Then the Honourable Member must drop his name.

Sir Hari Singh Gour : Yes, Sir. I have consulted all the Members before hand.

Now, my motion is :

" That the Bill be referred to a Select Committee consisting of (omitting Lala Lajpat Rai) Mr. Fazal Ibrahim Rahimtulla, Sir Victor Sassoon, Nawab Sir Zulfiqar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover, with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the committee shall be four."

Sir, to this I would formally move an amendment that in place of Lala Lajpat Rai the name of Mr. K. C. Roy be substituted.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : I am not prepared to serve.

Mr. President : The Honourable Member should not go on suggesting names.

Sir Hari Singh Gour : I had previously consulted Mr. Roy before mentioning his name.

Mr. K. C. Roy : That is absolutely incorrect.

Sir Hari Singh Gour : I told the Honourable Member.....

Mr. President : Order, order.

Sir Hari Singh Gour : I feel, Sir, in moving this amendment I have to accept the principle of the Bill, but at the same time would suggest certain safeguards without which I consider the Bill unacceptable. Now, Sir, so far as the acceptance of the principle of the Bill is concerned, I wish to state to the House quite frankly why I am constrained to accept it. I am not at all enamoured either of the Bill or of its phraseology, or indeed of its conception. I should have thought that the Government after the reforms, if they wished to bring any repressive legislation to be placed on the Statute-book, would overhaul all their repressive laws and come to this House and say that this is a collective Code of repressive laws which we want you, as representatives of the people, to agree to. We have Regulations ; we have the Criminal Law (Amendment) Act, and we have the limitations of section 491 of the Code of Criminal Procedure. Added to that, we shall have this short *ad hoc* Bill which would be added to the already abundant armoury of the Government. Honourable Members are aware that I have been struggling ever since 1922 to purge the Statute-book of all these repressive laws and to insert in the Code of Criminal Procedure a salutary check upon executive vagaries, but I have been unsuccessful. When I have said this, I feel, Sir, that my first inclination when I saw this Bill was that I should stoutly, vehemently and consistently oppose

it, but I will explain to the House why I am constrained to give a qualified support to this Bill. The Honourable the Home Member has mentioned to this House Mr. M. N. Roy's letter. I wish to point out, Sir, to the House that, whether Mr. Roy's letter is genuine or a forgery, the fact remains that a letter of that kind was received in this country, and I wish to point out to this House that in the Bolshevik Manual the despatch not only of this kind of letter but of stronger letters is advocated, and if I can show to this House that the Bolshevik conspiracy for the purpose of overthrowing religion, family life, destruction of social order and the paralysation of all industries of the country is the very fulcrum upon which the Communist propaganda is based, then I shall have given to this House the reason why I reluctantly feel compelled to accord my support to the broad principle of this motion. Now, Sir, I want to point out to this House that the Bolshevik propaganda against religion, family life, social order, and the industries of the country is laid down in unmistakable terms. Here is a book called " The Assault of Heaven " by A. Valentino, which I have obtained from the Assembly Library. Now this is what is said in this book : It is a book which gives quotations from the original instructions issued by the Bolshevik organisation. On pages 238 and 239 we find the following instructions :

" The methods, the form and the tactics of the anti-religious campaign are determined by the general situation. The latter is changing in such a direction that soon even the blind will see that he must resolutely fight the priest, whether he be called pastor, rabbi, mullah or pope. At some further stage that struggle will inevitably become a struggle against God whether he be called Jehovah, Jesus, Buddha or Allah."

Mr. N. M. Joshi : May I ask the Honourable Member to what religion he belongs ?

Lala Lajpat Rai : The organisation of India.

Sir Hari Singh Gour : Perhaps the Honourable Member has a religion to protect.

" Perhaps in Europe the time has not yet arrived for such forms of anti-religious propaganda as are possible with us but it is not far away. We must prepare for it."

Then on page 142 we have the following instructions given :

" The comrades are reading while in the corners there hang ikons. Some even say : ' I am an atheist but my mother, my uncle, my wife are devotees. What can I do with them '. The answer is : Pay no attention to them. The room is yours and you can throw all the idols away and not listen to all the aunts and old hags."

Mr. C. S. Ranga Iyer : Sensible thing, I think.

Sir Hari Singh Gour: At page 146 we have the following instructions :

" Drunkenness and religion are the two damned problems of the majority of small industrial places."

Sir, I have said enough to show that, so far as the Bolshevik organisation is concerned, it is anti-religious ; anti-religious in the sense.

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : The Bill does not provide for attacks against religion.

Sir Hari Singh Gour : I am talking about the Bolshevik propaganda.

Lala Lajpat Rai : The word " Bolshevik " is not used at all in any way.

Sir Hari Singh Gour : You should have pointed that out in the Select Committee. Why don't you join the Select Committee and move the amendment ?

Lala Lajpat Rai : I am against the Bill root and branch.

Sir Hari Singh Gour : Then you cannot say the Bill should be better than it is.

Lala Lajpat Rai : I am not saying that. I say the motion is not contained in the Bill.

Sir Hari Singh Gour : Move an amendment.

Lala Lajpat Rai : Why should I ? You move an amendment.

Sir Hari Singh Gour : Then, Sir, we have another testimony furnished by another book called the " Socialist Movement ", and I will read to you two short passages which will speak for themselves. At page 70.....

Mr. M. S. Aney (Berar Representative) : Who is the author ?

Mr. K. Ahmed : Don't take any notice of them ; go on please.

Sir Hari Singh Gour : At page 70 we read—this is a quotation from the Bolshevik Manual,—Instructions given for the dissemination of Bolshevik ideas throughout the world :

" In almost all European and American countries the class conflict has entered on the phase of civil war. In these circumstances Communists can place no reliance on civil legality. They are in duty bound to create everywhere a parallel illegal apparatus, which will assist the party at the decisive movement to fulfil their duty towards the revolution....."

Mr. K. Ahmed : What will happen then to my friend Mr. Birla ?

Sir Hari Singh Gour :

" In all countries where it is impossible on account of a state of siege and exclusion regulations, for Communists to carry on the whole of their work legally it is absolutely necessary to combine legal with illegal activities. The duty of disseminating Communist ideas includes the special obligation of an intensive systematic propaganda in the Army. Where this agitation is repressed by prohibitive regulations it is to be illicitly carried on. To abandon this task would be equivalent to a betrayal of revolutionary duty, and incompatible with membership of the Third International."

At page 60 we read other instructions :

" The methods of force. The revolutionary era compels the proletariat to make use of the means of battle which will concentrate its entire energies, namely, mass action with its logical resultant, direct conflict with the governmental machinery in open combat. All other methods such as revolutionary use of bourgeois Parliamentarism will be of only secondary significance."

Mr. M. S. Aney : May I know who is the author ?

Sir Hari Singh Gour : It is a book called " Socialist Movement " by Arthur Shadwell.

An Honourable Member : When was it published ?

Sir Hari Singh Gour : In 1925. I will pass it on to my friend who can examine it.

At page 80, Sir, we find the following passage :

" (1) Widespread propaganda and agitation for the ideas of the class war, the social revolution, the dictatorship of the proletariat and mass action for the overthrow of the capitalist order of society and the bourgeois State.

(2) Opposition to the policy of conciliation with the bourgeoisie and to the hope of a peaceful transition from Capitalism to Socialism, which poisons the trade union movement."

Then, Sir, it has been pointed out that you must attack trade unionism as well, because, unless you attack trade unionism you will never be able to bring about the overthrow of the bourgeois Government.

I am now reading from page 72 :

" But every party which wishes to belong to the Communist International must develop a systematic and persistent Communist activity within the trade unions, works committees, co-operative societies, and other mass organisations of workmen. Within these organisations it is necessary to organise cells, which, by continuous and persistent work, must win the unions, etc., to the cause of Communism. The cells are bound to expose everywhere in their daily work the treason of the social patriots and the vacillation of the Centre. The Communist cells must be completely subordinated to the party as a whole."

Sir, I hope I have explained sufficiently how, after reading this manual which lays down the fundamental creed of the Communist Party, can I possibly oppose a measure which is intended to defeat the dissemination of Communist ideas in this country ? Honourable Members may say, " Communism is a vile thing, but what evidence have you got that Communism is being preached in this country ? Well, Sir, I have lived sufficiently long in this country to know that while I have seen strikes of one or two days' duration I have never seen a strike that has silenced the whole of the textile industry in Bombay since the middle of April last. I have never seen a strike which was financed from Moscow, as my Honourable friend, Mr. Joshi, admitted the other day that he had received money from Moscow.

Mr. N. M. Joshi : May I inform the Honourable Member that I have received more money from England than from Moscow ?

An Honourable Member : That does not matter.

Sir Hari Singh Gour : I repeat what I said before, and my statement is confirmed, that my Honourable friend had to admit, though he is himself an anti-Bolshevist, that he had received money from Moscow for the purpose of keeping up these strikes.

Mr. N. M. Joshi : Because you would not give money.

Sir Hari Singh Gour : Sir, I further find that a national industry which is the pioneer in making iron and steel in this country, I mean the Tata Iron and Steel Works in Jamshedpur, has been silenced on account of these strikes. Now, I wish to give the reason. These prolonged strikes are aided and abetted by Red money received from Moscow and if these people come to this country or send their money, that is part of their world-wide propaganda.

Mr. C. S. Ranga Iyer : Was not the British General Strike a much more formidable and terrible thing than the strikes in India ?

Sir Hari Singh Gour : My Honourable friend, Mr. Ranga Iyer, asks, was not the British General Strike a far more formidable thing than the Indian strikes ? Remember that British industrialism is 350 years old, whereas Indian industrialism is scarcely 30 years old, and that while British capitalists can withstand British strikes for years, the Indian capitalists are not able to withstand Indian strikes for even a year or two. There has been a complete paralysis, a complete prostration of the textile and iron and steel industry, and I wish to ask you, is it not an answer to the Communist organisation, to the Communist propaganda sedulously, secretly and subtly preached from across the frontiers of India ? I have been asking

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my Honourable friends if they would account for the general paralysis of the trade of this country, railway strikes, systematic derailment of trains and loss of innocent lives in Bengal and in Southern India.

Now, Sir, if you will only read this book—I have not got time to give you more extracts from it—you will find that it is on a certain plan and with a preconceived purpose that these strikes and mischievous sabotage take place throughout the length and breadth of the country. Can we tolerate this display of Empire-wide lawlessness ? Can we ignore this display of conspiracy for the purpose of overthrowing law and order ? Sir, I am not a lover of the bureaucracy. I have always fought against the bureaucracy, but when I see in front of me that a house is on fire, I shall be failing in my duty if I did not contribute a pail of water which I hold in my hand for the purpose of extinguishing it.

Mr. C. S. Ranga Iyer : Does the Honourable Member really see it in front of him ? (Laughter.)

Sir Hari Singh Gour : Sir, it is very easy to be sentimental, and I am sure that if I had been a little more sentimental, my Honourable friends on the opposite side would have cheered me to the echo (Ironical Cheers), but truth is truth, and when I see these danger signals ahead of me I do not care whether M. N. Roy's letter is genuine or fabricated, because I see the handwriting on the wall. I see an exhibition of this lawlessness which is not accountable for by any ordinary economic outburst. It is not due to mere economic causes, but is of set purpose, helped, financed and supported by an outside world-wide Communist organisation. When I feel this I feel that I should be guilty of gross dereliction of my duty if I did not support some measure for the purpose of suppressing this world-wide anarchical organisation, I now turn to the present Bill. Having demonstrated the necessity for some Bill of the kind, the next question with which we are confronted is, can we trust the Executive to exercise their unfettered and unbridled power to turn out of this country any person at their sweet will and pleasure ? If I had not been opposed to it I would certainly not have given notice of this amendment for the purpose of adding safeguards in the Bill, so that while the guilty do not escape, the innocent do not suffer, and if I was free to go into detail, I have thought out a scheme for the purpose of hedging this Bill round with sufficient safeguards against its abuse by the executive. My friend, Mr. Lal Chand, asks what are the safeguards that I have in my mind. I will show them to you. In the first place I would very much like that the provisions of the Habeas Corpus Act should be inserted in section 491 of the Criminal Procedure Code, for the purpose of safeguarding the rights of all Indian British subjects, and then the Government may be free to utilise Regulation III of 1818 against dangerous foreigners. The other thing is that I am opposed to the permanent expulsion of anybody from my country and I would limit the expulsion to a period of two years. It may be two or three years.

An Honourable Member : Twenty years.

Sir Hari Singh Gour : Then, Sir, I am also indisposed as at present advised to give the Government unlimited power, because I feel that the Government must be not only responsive but in this matter responsible to the Legislature, and I would therefore suggest that the period of this Bill should be limited to two or three years, it being continued after

that period if necessary in accordance with a Resolution of the Legislative Assembly. Then, Sir, I have another suggestion, that we might give an appeal to the High Court on a question of law, or that all these externments might be placed before the Advisory Committee of the Legislative Assembly attached to the Home Department.

Mr. Amar Nath Dutt : And advocates might be allowed to appear before them ?

Mr. K. Ahmed : And Mr. Amar Nath Dutt might be heard ?

Sir Hari Singh Gour : Yes, advocates might appear. Lastly, there may be a reference to two Judges of the High Court. I have put this last because I feel that the precedents that have been created by the Executive Government of asking the Judges to report on political cases is unsound. The Judges should not be used by the Executive Government as their law officers. If they advise in favour of expulsion, they incur the popular odium and the confidence which the public ought to feel in the impartiality of their highest judiciary would be seriously impaired.

Mr. Lalchand Navalrai : How would you prove him to be objectionable ?

Sir Hari Singh Gour : My friend asks me how I shall prove the externee to be objectionable. Well, I shall examine the evidence, I shall examine witnesses and I shall consult Mr. Lalchand Navalrai if necessary. (Laughter.)

Mr. Gaya Prasad Singh : Will the Home Member agree to your suggestion ?

Sir Hari Singh Gour : It is not for the Home Member to agree. I make no terms with the Government. This is *my* suggestion : and if the Home Member and the Select Committee do not agree, then I shall be bound by the decision of the Select Committee, and if the Select Committee agree to any of these proposals, then Home Member or no Home Member, I shall press them home from the floor of this House.

An Honourable Member : Report them.

Sir Hari Singh Gour : Sir, I have two more objections to this Bill, and one of them is a serious objection as regards the principle. Clause 7 of this Bill does not exempt Indian British subjects or the subjects of an Indian State from recourse to the High Court if *nolens volens* they are also externed and they challenged the right of the executive to extern them on the ground that they are British Indian subjects and therefore not within the comprehension of the Act. I pointed out, Sir, to the Legisaltive Department some days ago this serious flaw in the drafting of clause 7, and they admitted that it was a flaw and promised that it would be set right. The only place where it can be set right is the Select Committee : and therefore I say that so far as this Bill is concerned, it requires to be overhauled. There are other provisions in this Bill. My friend, Mr. Amar Nath Dutt, drew the attention of this House to clause 2 (*a*). Now I do not see eye to eye with the Home Member and I shall ask him in the Select Committee to justify the insertion of this clause, for as the Bill is worded it applies to any person who directly or indirectly is concerned in " the promotion of enmity or hatred between different classes of His Majesty's subjects ". Now, can you promote the indirect

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promotion of hostility ? That is the language of section 353-A, but that has been the subject of a judicial difference of opinion and it led to the passing of the Prophets' Protection Bill. And when you borrow the language, the ambiguous and uncertain language of one Statute and transport it into another Statute, you do not solve the ambiguity : you double it. It will be my duty to ask the draftsman to justify that clause, what its meaning is and whether it is not susceptible of improvement. And there are other details in the Bill which I will not mention. I am not at all pleased with the drafting of this Bill. The same phrase has been repeated several times over and it is in accordance with Parliamentary conveyancing procedure that you must not repeat the same clause half a dozen times. I do not wish to go into detailed criticism of this Bill. I have pointed out to the House that while we must accept the broad principle of this Bill we must limit its scope and further limit its extent and give some salutary check to prevent its abuse by the executive. It is for that reason that I wanted the Select Committee to be strongly representative of the legal talent in this House and I asked many of my legal friends if they would join with me.

Mr. Amar Nath Dutt : You never asked me.

Sir Hari Singh Gour : I asked several of my legal friends whether they would join with me in improving this measure which I think might be so improved as to become substantially, if not entirely, innocuous, and that is I sumit the best thing we can do in the circumstances. We can place the executive on trial and if they abuse their powers given to them under the Act, we can immediately refuse to renew it after a period of years. No harm is done and at the same time the menace with which the peace of India is seriously threatened, that menace might be controlled and averted. If we do not give at this moment the assistance that the Government want, the Government could say : " Let all your industries be paralysed, your industrial life destroyed ; we asked you for power and you refused it ; now it is too late ". The Bolshevik organization begins from the moment the child is born. Subtle education is given to the child as soon as he is able to imbibe fresh ideas, and then it goes on and on in a crescendo till the man is able to perform what is stated here to be the illegal purpose of destroying all property, destroying all social order, destroying religion and destroying family life. If you think that this is not a menace to this country, I am surprised, and I should be surprised if you think that such a danger to the peace and advancement of this country and to the growing industrial prosperity of this land is not a menace. Sir, it is these considerations which impel me to make the motion which I now move.

Mr. President : This debate must now go over to Wednesday, the 12th. To-morrow is a non-official day.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 11th September, 1928.

LEGISLATIVE ASSEMBLY.

Tuesday, 11th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, **Mr. President in the Chair.**

QUESTIONS AND ANSWERS.

NUMBER OF INDIAN AND BRITISH INTERNAL SECURITY TROOPS.

364. ***Pandit Hirday Nath Kunzru** : Will Government be pleased to state the number of (*a*) Indian and (*b*) British internal security troops ?

Mr. G. M. Young : All troops stationed in India are available for internal security purposes in peace time. It would not be in the public interest for me to give particulars of the troops allotted to internal security in the event of war, since that would enable anyone, by a simple mathematical calculation, to discover the strength and composition of the troops which it is proposed to put into the field.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member whether he is aware that it is stated in the life of Lord Rawlinson that in 1921 there were 28 British and 21 Indian battalions detailed for internal security ?

Mr. G. M. Young : The answer is in the affirmative.

Pandit Hirday Nath Kunzru : What is the objection to giving the present figures, as these figures are bound to be changed in time of war ?

Mr. G. M. Young : I would point out that it is not of very much consequence now how many troops it was proposed to put into the field in 1923, but it is of some consequence how many troops we propose to put into the field now.

Pandit Hirday Nath Kunzru : Since I am asking for only the normal distribution, what is the objection to telling us now how many troops have been allotted for internal security as the proportion in the various sections is bound to be changed during the time of war ?

Mr. G. M. Young : I think my friend is drawing me into an argument, and I think he has missed the point. The allotment of troops for internal security is not the normal allotment in peace time. The troops are definitely allotted for internal security in the event of war, and, as I have already stated in my answer, all troops are available for internal purposes in peace time.

Pandit Hirday Nath Kunzru : Is the Honourable Member aware, Sir, that when the Indian Army was increased in 1885-87, the Government of India informed the Secretary of State how many troops were wanted for internal security and that this information has been published in a despatch of 1887 ?

Mr. G. M. Young : I am quite prepared to take facts from the Honourable Member.

Pandit Hirday Nath Kunzru : When both the Government of India and the Commander-in-Chief have at various times stated the number of troops allotted for internal security, what is the objection to giving that information now ?

Mr. G. M. Young : I have already answered that question.

Pandit Hirday Nath Kunzru : The Honourable Member has not answered it.

RATIO OF INDIAN TO BRITISH SOLDIERS IN (*a*) THE FIELD ARMY, (*b*) COVERING TROOPS AND (*c*) INTERNAL SECURITY TROOPS.

365. ***Pandit Hirday Nath Kunzru** : Will Government be pleased to state the ratio of Indian to British soldiers in (*a*) the field army, (*b*) covering troops and (*c*) internal security troops ?

Mr. G. M. Young : The figures are apt to fluctuate. At the present moment there are slightly more British than Indian troops in the battalions earmarked for internal security. In the field army the proportion of British soldiers is about 1 to 3 Indian soldiers, and in the covering troops the proportion is about 1 to 6.

Pandit Hirday Nath Kunzru : What is the proportion of the internal troops ? I could not catch what the Honourable Member said.

Mr. G. M. Young : I shall repeat my answer. The figures are apt to fluctuate. At the present moment there are slightly more British than Indian troops in the battalions earmarked for internal security.

Pandit Hirday Nath Kunzru : Is the proportion still 1½ to 1 as it was in Lord Rawlinson's time ?

Mr. G. M. Young : I have not got exact figures with me, but I think it is about that.

SCALE OF PAY AND LEAVE RULES OF OFFICERS, INDIANS AND EUROPEANS, ON THE BENGAL AND NORTH WESTERN RAILWAY.

366. ***Mr. Gaya Prasad Singh** : (*a*) Will Government be pleased to give the scale of pay of officers in the superior cadre, Indians and Europeans, and the leave rules in force on the Bengal and North Western Railway, along with a statement of the staff drawing Rs. 100 and above per month ; together with a comparative statement on the above points on State Railways in India ?

(*b*) If it is not convenient to supply this information in reply to a question on the floor of the House, why should it not be available to Members who desire to have it from the Railway Board ?

Mr. A. A. L. Parsons : The Honourable Member will find the information which he requires as to scales of pay in the establishment rolls, copies of which are in the Library. I am seeing if I can obtain for him a copy of the leave rules in force on the Bengal and North-Western Railway. The leave rules on State-managed Railways are the Fundamental Rules. The Railway Board have not got the figures of staff drawing Rs. 100 and over on the Indian Railways, but those for staff drawing Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over, will be found in Appendix F of Volume I of the Reports by the Railway Board on Indian Railways.

Mr. Gaya Prasad Singh : Is the Honourable Member aware that when I wrote to the Railway Board asking for information on this point, they wrote back saying that the information cannot be supplied to me ?

Mr. A. A. L. Parsons : I do not remember myself seeing the Honourable Member's letter.

Mr. Gaya Prasad Singh : Will you kindly make inquiries in the Railway Board and see if such a letter was sent to me ?

Mr. A. A. L. Parsons : I hardly think it necessary to make such an inquiry. I have now given the Honourable Member the reference to the places where he can find the information that he desires.

FIRING ON STRIKERS AT BAMANGACHI.

367. ***Mr. Gaya Prasad Singh** : Have Government received any report from the Government of Bengal regarding the Bamangachi shooting affair ? If so, do they propose to lay a copy on the table, or in the Library ? If not, why not ?

The Honourable Mr. J. Crerar : The Government of Bengal have investigated all the circumstances connected with this case, but they have been advised that no conclusions should be published until the completion of the trial in which one of the leaders of the strikers is being charged with perjury and bringing a false case against the Chief Deputy Mechanical Engineer, East. Indian Railway. In the circumstances the Honourable Member will understand that it is not possible at present to lay any papers.

CONFISCATION OF THE BOOK ENTITLED " POLITICS OF OIL ".

368. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that a book entitled " Politics of Oil " sent to India by a London bookseller was confiscated on its arrival in Bombay, under a notification issued under section 19 of the Sea Customs Act ?

(*b*) Is it a fact that although written by a member of the Communist Party, the book has nothing whatever to do with Communists ?

(*c*) Is it a fact that " it was the source of publication, and not the publication itself which had caused the Government of India to exclude it " as stated by Earl Winterton in the House of Commons some time back ?

(*d*) Why was the book confiscated ?

The Honourable Mr. J. Crerar : (*a*) One copy of this book was intercepted.

(*b*), (*c*) and (*d*). The book was intercepted on the strength of a notification which prohibits the importation of publications issued by or emanating from any organization affiliated to, controlled by or connected with the Communist International. The book has since been examined and I understand that, though designed to illustrate the evils of Capitalism, it is not of such a character that it is necessary to exclude it from India. If further copies are sent they will not be intercepted.

Mr. K. C. Neogy : Is it the practice, Sir, to examine a book after confiscating it or before confiscating it ?

The Honourable Mr. J. Crerar : It is impossible to examine a book before interception. The examination naturally takes place after interception.

Mr. Gaya Prasad Singh : Do I understand the Honourable Member to say that this book was proscribed before it was confiscated ?

The Honourable Mr. J. Crerar : It was notified in the general notification which prohibits publications of all kinds emanating from a particular source.

Mr. Gaya Prasad Singh : May I know the date on which this book was proscribed under that notification ?

The Honourable Mr. J. Crerar : I must ask for notice of that question.

Mr. K. C. Neogy : Is the Honourable Member aware that in the House of Commons, when replying to similar questions, the Under Secretary of State stated that it is the source of the publication and not the publication itself which was the guiding factor with the Government of India in this matter ?

The Honourable Mr. J. Crerar : Yes, Sir ; that was correct in this instance.

Mr. K. C. Neogy : Does that represent the policy of the Government in this matter ?

The Honourable Mr. J. Crerar : I have explained that the notification referred to is of a general character relating to documents emanating from a particular source.

Mr. K. C. Neogy : May I take it, therefore, that if a book of poems or a novel had emanated from that particular source that would have been confiscated quite as much as this book ?

The Honourable Mr. J. Crerar : I am not aware that the particular source referred to is in the habit of publishing " belle lettres ".

Mr. Gaya Prasad Singh : Do I understand the Honourable Member to say that if further copies come into this country, they will not be intercepted ?

The Honourable Mr. J. Crerar : Further copies of this book will not be intercepted.

Mr. K. C. Neogy : Is it a fact that this book was written at the instance of the Labour Research Department under the Labour Publishing Company ?

The Honourable Mr. J. Crerar : I understand that that is correct.

Mr. K. C. Neogy : Any publication coming from that source, I take it, is bound to be confiscated ?

The Honourable Mr. J. Crerar : If it comes within the terms of the notification.

Mr. K. C. Neogy : Does it then presuppose an examination prior to confiscation ?

The Honourable Mr. J. Crerar : Not a detailed examination before interception.

Mr. K. C. Neogy : Was that the case in this particular instance ?

The Honourable Mr. J. Crerar : The book was not examined in detail at the time of interception because it came from the source which comes within the terms of the notification generally.

Mr. K. C. Neogy : Who was the officer who examined it prior to its confiscation ?

Mr. M. R. Jayakar : Did anybody read the book at all or was it confiscated because of the source from which it came ?

The Honourable Mr. J. Crerar : I have already explained that it came within the general notification.

Mr. K. C. Neogy : Who is the authority who examined the book prior to its confiscation ?

Mr. Gaya Prasad Singh : Do I understand the Honourable Member to say that the book was intercepted before it was examined ?

The Honourable Mr. J. Crerar : The book was intercepted before it was examined.

Mr. Gaya Prasad Singh : Who is responsible for this foolish mistake ?

Mr. K. C. Neogy : When did the later examination take place, and when was it confiscated ?

The Honourable Mr. J. Crerar : As regards the date of confiscation, I should like to have notice of the question. I cannot at present recollect the date.

PUBLICATION OF THE REPORT OF THE TARIFF BOARD ON THE OIL INDUSTRY.

369. ***Mr. Gaya Prasad Singh** : (*a*) Do Government propose to publish the Report of the Tariff Board on the oil industry ? If so, when ? If not, why not ?

(*b*) What was the amount of expenditure involved in the enquiry ?

The Honourable Sir George Rainy : (*a*) The Report will be published on the 12th September.

(*b*) The cost of the enquiry inclusive of that of printing the Report and evidence is estimated to have been approximately Rs. 51,000.

Mr. B. Das : Is it a fact that the Burma oil industry has sent out a letter stating that the industry does not require any protection from the Government ?

The Honourable Sir George Rainy : I do not think that that arises out of the answer I have just given. I think the Honourable Member would do well to wait until tomorrow. It is not a long period for which to exercise his patience.

U. Tok Kyi : How long did the Government take to consider the application from the oil companies before they made a reference to the Tariff Board ?

The Honourable Sir George Rainy : I think the time taken from th date when the matter was first brought to our notice was very nearly si months.

U. Tok Kyi : Cannot the Honourable Member give the exact date o the receipt of the application ?

The Honourable Sir George Rainy : If the Honourable Membe wants the exact date, he must give me notice.

PRESENT POSITION OF CIVIL AVIATION IN INDIA.

370. ***Mr. B. Das** : Will the Government be pleased to state the pr sent position of civil aviation in India, and detail the progress made sinc the appointment of the Director of Civil Aviation ?

The Honourable Mr. A. C. McWatters : The attention of th Honourable Member is invited to the reply given in this House to que tion No. 238 put by Colonel Crawford.

AERODROMES AT BOMBAY AND CALCUTTA.

371. ***Mr. B. Das** : (*a*) Is it a fact that the aerodromes at Bomba and Calcutta are unfit for all the year flying ?

(*b*) If the answer is in the affirmative, will Government be pleased t state what steps have been or are being taken to make these importan aerodromes first class landing grounds, and the approximate cost thereof ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) A scheme for improving the Dum Dum aerodrome at Calcutt at a cost of [redacted] from loan sources, has been approved, and work is now in hand When the K. C. N. [redacted] throughout the year.

The Government of India have not yet reached a decision regardin the acquisition of the site at Juhu near Bombay, which is used as an aero drome and are therefore not in a position to undertake the improvement necessary to render it fit for regular use.

ESTABLISHMENT OF AIR MAIL SERVICES.

372. ***Mr. B. Das** : (*a*) Will Government state what progress has bee made in floating a rupee capital Indian company for the purpose of inaugu rating internal flying passenger services ?

(*b*) Is it a fact that tenders are being or are about to be asked for b the Director of Civil Aviation and will Government be pleased to state th present position and when it is expected to start civil aviation ?

(*c*) Are Government aware of the possibility of foreign competitio and is the Director of Civil Aviation doing everything possible to expedit the inauguration of civil flying services ?

The Honourable Mr. A. C. McWatters : (*a*) It is not the intentio of Government to float any companies of the type to which the Honour able Member refers. But if subsidies are given for the establishment o air mail services, they will be granted only to companies which hav rupee capital and a majority of Indian Directors, and the Government o India understand that this policy has already led to some activity in the direction of company floatation.

(*b*) Government are examining a scheme for the development of air mail routes in India, but I am not in a position to say when a call for tenders will be issued. I am not sure what the Honourable Member is referring to by the starting of civil aviation, but if he means the starting of the subsidized aeroplane clubs, I hope that these will be actively functioning by the beginning of the cold weather.

(*c*) I am again in some doubt as to the meaning of the Honourable Member's question. So far as subsidized services are concerned, there can be, in view of the assurance already given, no question of foreign competition. The inauguration of civil flying services depends on decisions of the Government of India and other authorities and the Director of Civil Aviation is not in a position to expedite or anticipate these decisions.

EXPENDITURE ON THE DIRECTOR OF CIVIL AVIATION AND HIS OFFICE.

373. ***Mr. B. Das** : (*a*) Will Government be pleased to state what amount has been spent on the Director of Civil Aviation since its inauguration ?

(*b*) Will Government please state whether the progress made is satisfactory compared with the cost of the air establishment ?

The Honourable Mr. A. C. McWatters : (*a*) The expenditure incurred on the Director of Civil Aviation and his office from the 11th January 1927, the date of its inauguration, to the 1st August 1928 amounts to Rs. 93,424.

(*b*) The answer is in the affirmative.

EDUCATION OF THE DEPRESSED CLASSES IN THE DELHI PROVINCE.

374. ***Lala Lajpat Rai** : (*a*) Will the Government be pleased to state :

(1) the total population of the depressed classes in the Delhi Province : and

(2) their educational position ?

(*b*) What steps do the Government of India propose to take to improve their position and what facilities do they propose to provide to them for a wider dissemination of education amongst their ranks ?

(*c*) Are Government prepared to consider the advisability of opening an industrial school at Delhi to provide facilities for the sons of the depressed classes to receive general education along with training in certain trades such as motor driving, leather manufacture, black-smithy and weaving ?

Mr. G. S. Bajpai : (*a*) (1) The number of persons in the Delhi Province belonging to communities ordinarily classed as "depressed" is approximately 70,000.

(2) There are 26 primary schools in Delhi managed by the Arya Samaj and various Christian missions mostly for the children of the depressed classes. Education is now compulsory in almost the whole of

the municipal area both for the depressed classes and for others, but no separate statistics of members of the depressed classes attending schools have been maintained so far. Three municipal board schools have been opened in the sweepers' and chamars' quarters in the City and 300 boys of these classes are receiving education there. There are 24 scholarships of Rs. 4 per mensem each, tenable at middle schools, and 6 of Rs. 6 per mensem each at the high schools for boys of the depressed classes. In addition, 2 scholarships of the value of Re. 1 per mensem each and 1 of Rs. 4 per mensem have lately been sanctioned.

(*b*) The matter is receiving consideration.

(*c*) There is already a Government industrial school at Delhi in which special facilities in the shape of stipends are given to boys of the depressed classes.

Mr. K. Ahmed : Does my Honourable friend, the questioner realise the situation that, if the members of the depressed classes are trained in motor driving, black-smithing, etc., their services will not be accepted by the people in general, and particularly by the orthodox Hindu members of the community ?

Lala Lajpat Rai : Of course, they will. You come and try.

DICTUM OF MR. JUSTICE MADGAONKAR OF THE BOMBAY HIGH COURT IN THE CASE OF EMPEROR *vs.* JAGARDEO REGARDING THE BINDING NATURE OF TREATIES.

375. ***Mr. N. C. Kelkar** : (*a*) Has the attention of the Government been drawn to the dictum of Justice Madgaonkar of the Bombay High Court in the case of Emperor *vs.* Jagardeo reported at page No. 1054 of the Bombay Law Reports, Vol. 27 (1925), the dictum, namely, that " It is now too late in the day to raise the question of the binding nature of treaties and the duty, in matters civil and criminal, of enforcing and abiding by their terms, incumbent on all contracting powers (British Government and Indian States) and their courts not less than in the case of laws passed by the Legislatures. For the purpose of the present application, this treaty, in my opinion, is as much law-binding on the courts as a statute law or the law of the Legislature " ?

(*b*) Have Government accepted the view put forth in the above observations ? If not, do they propose to take any steps to have it set aside ?

Sir Denys Bray : The reply to part (*a*) and to the first question in part (*b*) is in the affirmative. The rest of the question does not arise.

Munshi Iswar Saran : May I know, Sir, why Government has expressed some kind of view about an observation made by a High Court Judge in a decision in the Bombay High Court, while Government on a previous occasion stoutly declined to express any view as regards the observation of the Patna Chief Justice about the veracity of the people inhabiting that part of the country ?

Sir Denys Bray : If by inadvertence I have been too communicative I must apologise to the Honourable Member.

TOTAL NUMBER OF PERSONS AGAINST WHOM ACTION WAS TAKEN UNDER THE FOREIGNERS ACT, 1864, DURING THE LAST 10 YEARS.

376. ***Mr. N. C. Kelkar** : (*a*) Will Government state the total number of persons, province by province, during the last 10 years against whom action was taken under the Foreigners Act of 1864, stating the precise nature of the action that was taken ?

(*b*) Will Government state how many of the persons against whom action referred to in (*a*) above was taken were residents or subjects of Indian (Native) States ?

The Honourable Mr. J. Crerar : Section 3 of the Act gives concurrent powers to the Government of India and the Local Governments, and I regret that I am not in a position to give the Honourable Member information regarding action taken independently by Local Governments. Such information as is available from the records of the Government of India is being collected and will be communicated to the Honourable Member shortly.

PROVISION OF LAND FREE OF COST TO THE ROHILKHAND AND KUMAON RAILWAY.

377. ***Mr. N. C. Kelkar** : Is the Rohilkhand and Kumaon Railway Company provided with land free of cost by Government ? Is it a fact that under the terms of the contract the Company is required to pay to the Government on demand the cost price of the land purchased by the latter ? If so, why was this land free of cost ?

Mr. A. A. L. Parsons : I refer the Honourable Member to clauses 6 and 8 of the Contract of 1882 which give the provision with regard to land in detail. Briefly, these clauses provide that the Secretary of State shall provide land in his possession free of cost to the Company, and that the Company shall pay to him the cost price of any land purchased by him for the line. These clauses only refer to the original line which ran from Bhojeepura to Kathgodam. For extensions of the original line, land is, generally speaking, provided free of cost. The answer to the last part of the Honourable Member's question is that these happen to be the terms mutually agreed on at the time the contracts were made, and no doubt, if they had not been accepted, the Company would have required a *quid pro quo* in other directions.

TOTAL ADDITIONAL REVENUE EARNED BY THE IMPERIAL INDIAN MAIL RUN BETWEEN BOMBAY AND CALCUTTA.

378. ***Mr. N. C. Kelkar** : Will Government state, for the latest year for which figures are available, the total *additional* revenue earned by the Imperial Indian Mail run between Bombay and Calcutta against the estimated total *additional* revenue of Rs. 35,000 per annum given at page 16 of the Proceedings of the Standing Finance Committee for Railway, Volume II, No. 5 ?

Mr. A. A. L. Parsons : I am obtaining the figures for the year ending the 31st of July 1928 for the Honourable Member, and will let him have them as soon as I can.

SIR A. L. DICKENSON'S REPORT ON RAILWAY ACCOUNTS.

379. *Mr. N. C. Kelkar : Will Government state what progress has been made in the consideration of Sir A. L. Dickenson's report on railway accounts ?

Mr. A. A. L. Parsons : About half the report has been examined already. The recommendations of the Railway Board on traffic accounting were placed before the Standing Finance Committee for Railways at their last meeting and those on stores accounting will be considered by the Committee at their next meeting a few days hence.

RECOMMENDATIONS OF THE ACWORTH COMMITTEE.

380. *Mr. N. C. Kelkar : Will Government lay on the table a statement showing the progress of the consideration of those recommendations of the Acworth Committee which have not yet been carried out ?

Mr. A. A. L. Parsons : I lay on the table a summary of the recommendations of the Acworth Committee and of the action taken thereon.

Item No.	Recommendation.	Reference to summary of the Report.	Action taken.
1	(a) Changes in the constitution, status and functions of the Railway Board. (b) A Member of Council in constant touch with Railway affairs to be at head of Railway Department and with this object. (c) A new Department of Communications for Railways, Ports, Inland navigation, Road transport (so far as dealt with by Central Government) and Posts and Telegraphs should be created. (d) Member for Communications to be experienced administrator, able to represent his Department both in Legislature and with public, but need not be technical expert.	Page 86, para. 1.	The Railway Board has been re-organised generally on the principles underlying the Acworth Committee's Report except that recommendation 1(c) has not been accepted.
2	Delegation of increased power of day-to-day management to local Railway administrations. Railway Department to be relieved from control by India Office and Government of India except on large questions of finance and general policy.	Page 86, para. 2.	Large financial powers have been delegated by the Secretary of State to the Government of India in Railway matters and the Railway Administrations have also been granted increased powers.
3	(1) Finance Department, control over internal finance of railways to cease. (2) Railways to have separate budget, be responsible for disposal of own income and for provision of net revenue to meet interest on debt incurred or to be incurred by Government for railway purposes.	Page 86, para. 3.	The separation of Railway from General Finance has been in force for the last three years. The question will again come under consideration.

Item No.	Recommendation.	Reference to summary of the Report.	Action taken.
	(3) Railway budget to be presented to Assembly by Member in charge of Railways instead of by Finance Member.		
4	(1) Subject to independent audit by Government, Railway Department to employ own accounting staff and be responsible for own accounts. (2) Present accounts and statistics to be thoroughly overhauled and remodelled with assistance of experts.	Page 86, para. 4.	(1) The separation of Accounts from Audit has been tried on the East Indian Railway as an experimental measure since December 1925 and it is hoped to put forward proposals for the adoption of this system on all State-managed Railways. (2) The question of Statistics has been thoroughly investigated and revised and improved methods introduced. A comprehensive investigation into the accounts was made by Sir Arthur Dickinson recently and his report is at present under investigation.
5	(1) Title "Railway Board" to be replaced by "Railway Commission". (2) Technical staff under Member for Communications to consist of one Chief Commissioner and four Commissioners. (3) Of four Commissioners one to be in charge of finance and organization and staff of office and the other three to be in charge of Geographical divisions and devote substantial portion of time to personal visits to their divisions.	Page 86, para. 5.	The old title "Railway Board" has been retained. The reorganisation provides for a Chief Commissioner, two Members and a Financial Commissioner. It has been considered more convenient that the work entrusted to Members should be on the basis of subjects and not on a geographical basis.
6	Technical staff attached to Commissioner to be— (1) strengthened especially on traffic side. (2) Divided into six sections each under a Director. One responsible, under Commissioners, for Ports, Inland Navigation and Road Transport.	Page 86, para. 6.	The re-organisation provided for the staff considered necessary at the time. Should further strengthening be required, the question will be reconsidered.
7	Salaries in highest posts of railway services inadequate to attract right men and to keep those already in service.	Page 86, para. 7.	Individual cases are considered on their merits.

Item No.	Recommendation.	Reference to summary of the Report.	Action taken.
8	Number of Engineering Inspectors to be reduced and money utilised for new appointments of Inspectors of Traffic.	Page 86, para. 8.	No action taken so far.
9	(1) Member for Communications to take steps to modify present position in regard to rights of management reserved to guaranteed companies under contracts. (2) Railway Commission (*Sic.*) to have greater powers in matters like initiation and enforcement of reforms and some control over appointment and retention of principal officers.	Page 86, para. 9.	(1) and (2) No action has been taken.
	(3) Local executive officers to have greater freedom from interference in affairs of every-day management.	..	(3) The powers delegated to Agents include powers to re-delegate powers to authorities subordinate to them.
10	Less rigid regard than hitherto to claims of seniority.	Page 87, para. 10.	This policy is being followed.
11	To secure to Indian public adequate voice in management of their railways, Central and Local Railway Advisory Councils to be established, constituted as follows :— *C. A. C.*—Not more than 25 members, of whom 3 or 4 represent Departments of Government concerned ; 8 or 9 nominated, according to scheme to be arranged, by associations representing trade and industry ; similar number to represent agricultural interests and travelling public to be added by nomination of one member by each of Provincial Legislative Councils. *L. A. C.*—Constitution similar to Central Council perhaps half the size. If at Headquarters of each railway, Agent to act as Chairman ; if at each important railway centre. Agents of all railways concerned to be members and one of them Chairman. These councils to be established early without waiting for introduction of full scheme put forward.	Page 87, paras. 11-13.	A Central Advisory Council has been established and Local Advisory Committees introduced on all Railways.
12	Pending radical improvement of situation by provision of adequate facilities, various *ad interim* measures to be adopted to mitigate to some extent hardships to which 3rd class passengers are subjected at present.	Page 87, para. 16.	Various measures have already been taken to improve the amenities of 3rd class passengers and the question is always kept in the forefront of railway policy.

Item No.	Recommendation.	Reference to summary of the Report.	Action taken.
13	Adoption of reasonable general increase in rates and fares and withdrawal of present sur-taxes on railway traffic.	Page 87, para. 17.	The sur-taxes on railway traffic were withdrawn and an increase in rates and fares adopted as suggested in 1922 for the time being. More recently, reduction in rates and fares have been effected.
14	Provision of greater facilities for training of Indians for superior posts in railway service and acceleration of process of employment in such posts.	Page 87, para. 18.	This recommendation is being given effect to.
15	Branch lines, as far as possible, to be constructed and worked by main line to which tributary ; Formation of separate branch line companies to be encouraged only if State is unable or unwilling to provide funds itself.	Page 87, para. 19.	The policy of the Government of India is on the lines of these recommendations.
16	A Tribunal consisting of experienced lawyer as Chairman and two Members representing railway and commercial interests respectively to be established with jurisdiction over questions of reasonableness of rates and facilities, instructions to investigate conditions attached to present "Owners" and "Railways" risk-notes and to frame new and standard forms for future use. An appeal to lie under certain circumstances to the Governor General in Council from decisions of Rates Tribunal.	Page 87, para. 14.	A Railway Rates Advisory Committee has been in existence since 1926.
17	(1) Steps to be taken to reduce delay in settling claims for loss or damage. (2) Both local officials and Railway Commission to devote utmost efforts to stamping out serious and widespread abuses in connection with allocation of railway wagons.	Page 87, para. 15.	These recommendations have been adopted.
18	As soon as financial conditions permit forward movement by Government with railway development, Indian States to be called into Council and invited to assist in working out common plan in common interest.	Page 87, para. 20.	No action has been taken in this direction, but the Railway Board are in agreement with this recommendation.
19	An enquiry to be undertaken into the effect on inland waterway communication of alleged unfair railway competition.	Page 87, para. 21.	No action has been taken.

Item No.	Recommendation.	Reference to summary of the Report.	Action taken.
20	A thorough investigation by a commission of most competent experts of the railway world of the gauge question with reference to the potential future development of the Indian system as a whole. (*Note.*—Sir H. Burt in a separate minute records his doubt as to the necessity for and value of the proposed investigation).	Page 88, para. 22.	No such investigation has been started or is at present contemplated.
21	System of management by companies of English domicile to be discontinued on termination of existing contracts and these companies not to be permitted to increase further their share capital.	Page 87, para. 23.	The East Indian and Great Indian Peninsula Railways have been taken over by the State, and the Burma Railways will be taken over in the beginning of 1929.
22	No steps to be taken towards establishing combined companies, both with English and with Indian domicile.	Page 87, para. 24.	The principle has been accepted.
23	(1) Undertakings of guaranteed companies to be entrusted, as and, when contracts fall in, to direct State management.	Page 88, para. 25.	(1) This has been done in the case of East Indian, Great Indian Peninsula and Burma Railways, the only railways the contracts of which have fallen due in the meantime.
	(2) Oudh and Rohilkhand Railway to be absorbed with East Indian Railway on termination of contract of latter in 1924.	..	(2) Done.
24	(1) System of both State and Company management to be continued, Government not being committed to policy of State management only for all railways.	Alternative page 88, para. 25-A.	See above.
	(2) Indian domiciled Companies to be created to manage East Indian and possibly Great Indian Peninsula Railways. Cases of other lines to be considered on merits when contracts become terminable.	..	Do.
25	(1) Whole capital for future development of railways to be raised directly by State.	Page 88, para. 26.	(1) This is the position at present.
	(2) Provincial Government should not take any part in the work.	..	(2)
26	(1) Much capital must be raised direct by State and done by Central Government.	Alternative page 88, para. 26-A.	See remarks against item No. 25 above.

Item No.	Recommendation.	Reference to summary of the Report.	Action taken.
	(2) From 1924 fullest use to be made of Indian domiciled Companies in the manner proposed as means of providing funds from independent sources. (3) Having regard to large amount required no channel offering money on reasonable terms to be neglected, for instance, negotiation of further debenture loans through existing companies.	Alternative page 88, para. 26-A.	See remarks against item No. 25 above.
27	(1) Money required to rehabilitate existing railways to be raised even at present prices, as fast as it can be economically spent.	Page 88, para. 27.	(1) Being done.
	(2) Immediate raising of capital for extensions of existing system not recommended.	..	(2) The Retrenchment Committee's recommendation that a portion of the money not required for rehabilitation and development on open lines may with advantage, be devoted to the construction of new lines promising an adequate return is being acted on.
28	(1) As in 27 (1) above	Alternative page 88, para. 27-A.	See remarks against item No. 27.
	(2) Rather than new development be arrested assistance of private enterprise to be enlisted to provide capital for new lines.		
29	Government issues for railway purposes— (1) In England to take form of ordinary sterling loans. (2) In India rupee loans to be earmarked for railway purposes.	Page 88, para. 28.	
30	Government borrowings for State and Guarnteed railways to be by direct Government loans advertised, whether in England or India, as being for Railway purposes.	Alternative page 88, para. 28-A.	No action has so far been taken to raise specific railway loans.
31	Adoption of Mackay Committee's recommendation that in periods of easy money, funds be raised in excess of immediate requirements in order to obviate recourse to market at time of stringency.	Para. 88, Para. 29, Para. 29-A.	No action has, so far, been taken.

Item No.	Recommendation.	Reference to summary of the Report.	Action taken.
32	Establishment of systematic organisation to familiarize Indian population with idea of subscribing to Government loans and specially to reach through local Indian agencies, mass of people to whom idea of investment has been strange hitherto.	Page 89, para. 30.	The post office already offers standing facilities for investments in Government of India securities as well as in cash certificates. The Imperial Bank of India usually offer facilities for investments in any new loan during the period of original subscription. One or two local Governments have on occasion issued loans locally and have no doubt employed local propaganda. There is no other systematic organisation at present.
33	Assistance of all banks in India to be enlisted when money is required. Independent offers of loans on special conditions not to be lightly set aside.	Page 89, Alternative para. 30-A	In the current year the authorities of the Imperial Bank of India enlisted the co-operation of leading Bankers in Calcutta and Bombay. The action to be taken depends upon the circumstances prevailing at the moment.

NAMES OF INSTITUTIONS TO WHICH GRANTS WERE MADE BY THE BOMBAY AND SIND CUSTOMS.

381. ***Haji Abdoola Haroon** : With reference to the "Central Board of Revenue's Review of the Customs Administration in India in 1926-27" printed at the Simla Government of India Press, 1928, will the Government be pleased to state the names of the institutions to which the amounts of Rs. 20,200 and Rs. 5,520 were paid in Bombay and Sind Customs respectively in the year 1926-27 as grants-in-aid as shown at page 27 of the above Review ?

The Honourable Sir Bhupendra Nath Mitra : The names of the institutions which received the amounts mentioned were the Customs Clubs, the Lascars' Home, and the Prince of Wales' Seamen's Institute at Bombay ; and the Kiamari Maternity and Child Welfare Centre, the Karachi Civil Hospital and Nursing Aid Association and the Customs Recreation Club at Karachi.

INITIAL PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

382. ***Rai Sahib Harbilas Sarda** : Will Government kindly state whether Rule 22 of the Fundamental Rules is applicable in fixing initial pay of officers in services where an efficiency bar is prescribed in a time-scale and who have passed the prescribed examinations ? If not, will Government kindly state why the benefit of Rule 25 has not been given to the Sub-Assistant Surgeons in Rajputana who are Government servants and why

[illegible] past permanent services have not been taken into consideration as interpreted by the Government of India's order, *vide* the footnote of Rule 25 which reads as under :

" On each occasion on which an officer is allowed to pass an efficiency bar which had previously been enforced against him, he should come on to the time-scale at such point as the authority competent to declare the bar removed may fix for him, subject to the pay admissible according to his length of service." (Government of India, Home Department, No. 917-Ests., dated 2nd October 1922 ; also Auditor General's No. 997-A. and A.|255-21, dated 16th May 1921) ?

Sir Denys Bray : The reply to the first part of the question is in the affirmative. The second part does not therefore arise.

INITIAL PAY OF SUB-ASSISTANT SURGEONS IN RAJPUTANA.

383. ***Rai Sahib Harbilas Sarda** : (*a*) With reference to Sir Denys Bray's reply given on 20th August 1926 (page 163, Volume VIII, No. 4, Legislative Assembly Debates) to Doctor K. G. Lohokare's supplementary question to my question No. 165, has the attention of the Government been drawn to the letter of the Honourable the Agent to the Governor General in Rajputana referred to on page 182 of the Printed Proceedings of the Standing Finance Committee for 12th-15th January 1925 (Volume IV, No. 3) which reads " These men entered the service with an implied understanding that their pay would be regulated according to the United Provinces scale " ?

(*b*) Will Government, in the circumstances, state the reasons why that understanding has not been carried out by Government ?

Sir Denys Bray : (*a*) Yes.

(*b*) It is in view of this understanding that the United Provinces scale of pay has been extended to Sub-Assistant Surgeons in Rajputana. But the claim to have their initial pay on this scale fixed on the basis of their past permanent service as in the United Provinces instead of according to the ordinary rule contained in Fundamental Rule 22, has not been conceded for the reasons given in my reply in August 1926. Government are, however, prepared to consider, on their merits, proposals for any other form of relief which the Local Administration may make in respect of officers with good records in whose cases the application of Fundamental Rule 22 has in its opinion resulted in undue hardship.

Rai Sahib Harbilas Sarda : Will the Government kindly state why, when these Sub-Assistant Surgeons were employed on the understanding that their pay would be regulated by the United Provinces scale, has their initial pay not been fixed after taking into consideration their past permanent services, as has been done in the United Provinces ; and does this not amount to a breach on the part of the Government of the understanding on which these Sub-Assistant Surgeons were taken into employment ? Will the Government kindly reconsider this matter ?

Sir Denys Bray : The question appears to bear such serious significance that I trust the Honourable Member will give me notice.

COMPULSORY RETIREMENT OF SUB-ASSISTANT SURGEONS DEPUTED TO INDIAN STATES IN RAJPUTANA.

384. ***Rai Sahib Harbilas Sarda** : (*a*) Is it a fact that Sub-Assistant Surgeons recruited in Government service and deputed to Indian States

in Rajputana and no longer required by those States are being compuls retired ?

(*b*) If so, will Government kindly state whether this is done und Article 426 of the Civil Service Regulations or under any other Rule ?

(*c*) If under the Civil Service Regulations, will Government kind state if this unwillingness of Indian States to keep these officers in the service means a reduction of establishment ?

(*d*) If not, will Government state the reasons for not acting accordi to the provisions of Articles 428-429 for selections for discharge ?

(*e*) Has the attention of Government been drawn in this connection t section 3 of Appendix 8 of the Appendices to the Civil Service Regulation (printed on page 22, Edition 1922) ?

Sir Denys Bray : (*a*) The Sub-assistant Surgeons were actuall recruited to man the dispensaries in the various States in Rajputan but were treated as Government servants lent to Indian States. Whe the States took the dispensaries under their own control, Governmen made every effort to provide continued employment for the Sub Assistant Surgeons, but in cases where employment unfortunatel could not be provided, there was no alternative but discharge from Gov ernment service on compensation pension.

(*b*) Under Article 426 of the Civil Service Regulations.

(*c*) Yes.

(*d*) Does not arise.

(*e*) Yes, but in these cases compensation was given.

(1) INTRODUCTION OF COMPULSORY PRIMARY EDUCATION IN THE CITY OF AJMER.

(2) MEDICAL EXAMINATION OF THE PUPILS OF PRIMARY AND SECONDARY SCHOOLS IN AJMER-MERWARA.

385. ***Rai Sahib Harbilas Sarda** : Has the attention of Government been drawn to the note on education in Ajmer-Merwara that appeared in the *Arya Martand* of Ajmer in its issue of the 16th August 1928, complaining that while compulsory primary education has been introduced in one of the provinces under the direct administration of the Government of India, *viz.*, Delhi, no such measure has been introduced in Ajmer, which is also under the direct administration of the Government of India and is an equally advanced province ? Will Government kindly state when action will be taken :

(1) to introduce compulsory primary education in the city of Ajmer, and

(2) to introduce a system of medical examination of the pupils reading in the primary and secondary schools of Ajmer-Merwara ?

Mr. G. S. Bajpai : (1) The Government of India have seen the note referred to. The Honourable Member will probably recognise that conditions in Ajmer and Delhi are not exactly similar. The question of extending the principle of compulsion to elementary education in Ajmer-Merwara is, however, receiving the attention of Govern-

ment.

(2) The question is under examination by the local authorities.

Mr. President : There are certain questions in the name of Mr. Aney (questions Nos. 386-389) with reference to the separation of the office of the Assembly. I hope he will wait till the whole question is discussed in the House.

(Mr. Aney thereupon did not put his questions).

†386*—389*.

INEFFICIENCY OF THE INDO-CEYLON CABLES.

390. ***Mr. C. S. Ranga Iyer** : (*a*) Has the attention of the Government been drawn to the protest made by the *Times of Ceylon* and the *Hindu* of Madras in its issue of August 13th. against the inefficiency of the Indo-Ceylon cables ?

(*b*) Is it a fact that messages sent from Ceylon to Australia can all too often reach their destinations in half the time that it takes to get a message from Ceylon to India ?

(*c*) Is it a fact that the cause of the delays and the breakdowns is due to the antiquated system of cables connecting India and Ceylon ?

(*d*) When do the Government of India propose to lay an under-water cable between Talaimannar and Rameswaram ?

(*e*) What are the defects in the present cable system connecting Ceylon and India and how and when are they going to be remedied ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Government have no information.

(*c*) No.

(*d*) and (*e*). There are two under-water cables between Talaimannar and Rameswaram of the deep-sea type. No. 1 laid in 1885 and No. 2 in 1895.

Repairs and renewals of sections have been carried out from time to time, and as recently as October 1927, twelve miles of new cable were inserted in Cable No. 2.

Both cables are in good condition and working satisfactorily.

MUSLIM GRAVEYARD OUTSIDE DABAGRI GATE IN PESHAWAR CANTONMENT.

391. ***Mr. Ismail Khan** : (*a*) Will the Government be pleased to state whether the area of land situated outside Dabagri Gate in Peshawar Cantonment and shown in the Survey of India Department plan of the said Cantonment of 1866 as a "Muslim graveyard" was purchased by the Government for this purpose or whether it existed before the advent of the British as a cemetery and as such belonged to the Muslims of the place ?

(*b*) In case the said land was purchased by Government and subsequently assigned to the Muslims for a graveyard, will the Government be pleased to state the names of persons from whom it was purchased and the amount of compensation paid to them by the Army Department for this piece of land ?

†On Mr. President's suggestion, these questions were held over for the present.

(*c*) Is it a fact that the Army Department of the Government of India has recently addressed a letter to the General Officer, Commanding-in-Chief, Northern Command, to make over this land to the Awkaf Committee of Peshawar after consultation with the local civil authorities ? If the answer be in the affirmative, will the Government be pleased to state the result ?

Mr. G. M. Young : (*a*) The graveyard is believed to have existed before the formation of the Cantonment. It was not purchased by Government.

(*b*) Does not arise.

(*c*) No, Sir. There is apparently no body or Committee in Peshawar which can be said to represent the Muslim community as a whole, and until some agreement can be reached which is acceptable to all concerned, the land has simply been demarcated and left as it is.

ACTION OF THE SPECIAL MAGISTRATE IN THE MUNICIPALITY OF PESHAWAR IN HOLDING HIS COURT IN THE EVENINGS.

392. ***Mr. Ismail Khan** : (*a*) Are the Government aware that a retired Assistant Commissioner re-employed as a Sub-Registrar in Peshawar, has been appointed a Special Magistrate in the Municipality of Peshawar ?

(*b*) Is it a fact that owing to heavy work devolving upon him by holding two offices, he is compelled to work at night and the public is thus constrained to attend his court at night for registration purposes ?

(*c*) Is it a fact that both the Bar and the Muslim Associations have protested against the action of this officer in holding his court in the evenings ?

(*d*) Will the Government be pleased to state what action has been taken by the local authorities on the representations of these two Associations ?

(*e*) Do the Government intend that in future no Sub-Registrar will be appointed as a Special Magistrate ?

Sir Denys Bray : (*a*) Yes.

(*b*), (*c*) and (*d*). The Special Magistrate used to hold court until a late hour, but when the inconvenience to the public was brought to notice by the Bar and Muslim Associations his case work was lightened and it is understood that his court is now closed by 6 P.M. at the latest.

(*e*) No, Sir. It seems hardly necessary to lay down a general rule.

RECRUITMENT FOR THE SUPERIOR SERVICES OF THE NORTH WESTERN RAILWAY OF MUSLIMS FROM THE NORTH-WEST FRONTIER PROVINCE.

393. ***Mr. Ismail Khan** : (*a*) Are the Government aware that the staff employed East and West of the Indus at present in the superior service, in the Traffic, Loco. and Carriage Departments in North-West Frontier Province of the North Western Railway Administration is preponderantly non-Muslim and that the proportion is inconsistent with the numerical strength of the Muslims in that Province ?

(*b*) Will the Government be pleased to state the number of North-West Frontier Muslims who have either been given service or admitted for training by the Divisional Superintendent, North Western Railway, Rawalpindi, during the past five years ?

(*c*) Do the Government intend to issue orders that in future Muslims of the North-West Frontier Province are to be recruited for the various sections of the Railway Administration according to their numerical strength in the Province ?

Mr. A. A. L. Parsons : (*a*) I must point out to the Honourable Member that recruitment of officers for superior service on the North Western Railway is determined by the requirements of the Railway as a whole and not of any particular section of it, and that the number of officers of a particular community stationed on sections of the North Western Railway, which are within the limits of the North-West Frontier Province, varies from time to time according to the posting arrangements of the Railway.

(*b*) If I am right in assuming that the Honourable Member is, as in the first part of his question, referring to officers in the superior service, the answer is that Divisional Superintendents do not either give service to such officers or admit them for training.

(*c*) The policy of the Government of India with regard to the redress of communal inequalities in the superior services is, I think, known to the Honourable Member and to the House, and is in force with regard to the railway services.

PAUCITY OF MUSLIM CLERKS AND ACCOUNTANTS IN THE MILITARY ACCOUNTS DEPARTMENT, NORTH-WEST FRONTIER PROVINCE.

394. ***Mr. Ismail Khan** : (*a*) Are the Government aware that the number of accountants and clerks in the Military Accounts Department, North-West Frontier Province, is about 4,275 of whom only 370 are Muslims ?

(*b*) Is it a fact that on the representation made by the Muslim Association, Peshawar Cantonment, in 1925, the Financial Adviser to the Government of India (Military Finance) instructed the Controller, Military Accounts, Peshawar, by his letter, dated 13th February 1926, to notify to the said Association when vacancies occur in his office and that in future those vacancies are to be filled by direct recruitment ? If so, will the Government be pleased to state whether these instructions are being acted upon ?

(*c*) Is it a fact that recently 13 vacancies occurred in his offices which were not notified to the said Association and so they were filled up by non-Muslims ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The figures quoted by the Honourable Member relate to the whole of India in 1926 and not to the Peshawar District alone.

(*b*) The reply to the first part is in the affirmative except that the instructions related only to such vacancies as are filled by direct recruitment. As regards the second part, I understand that the instructions are being followed.

Mr. Muhammad Yamin Khan : Have Government any objection to the Municipality of Meerut getting a license for supplying electricity in the areas known as Sadar Bazaar and Lal Koti Bazaar ?

Mr. G. M. Young : As I have just explained, Government have certainly no objection.

Mr. Muhammad Yamin Khan : Will Government issue orders to the Cantonment Authorities to allow the Municipality to include these areas in their license ?

Mr. G. M. Young : I do not see how the Cantonment Authorities can allow the Municipality to do anything.

Mr. Muhammad Yamin Khan : The Municipality of Meerut has got a license to supply electricity, and it is a controversial matter now pending between the two Boards whether the Cantonment Board of Meerut should have a license for Sadar Bazaar or the Municipality of Meerut should have it. If the Government have no objection, will they issue instructions to the Cantonment Authorities of Meerut that Government have no objection to the Municipality of Meerut including these areas in their license for the supply of electricity ?

Mr. G. M. Young : That is implicit in the reply I have already given, namely, that Government have no objection to the Cantonment Authorities obtaining their supply from other sources.

Mr. Muhammad Yamin Khan : My question was, will Government issue instructions to that effect ?

Mr. G. M. Young : I have declared publicly the intentions of Government in this matter now. I do not propose to issue any separate instructions.

INCREASE IN THE SUBSISTENCE ALLOWANCE OF TASK WORKS PEONS IN THE TELEGRAPH DEPARTMENT.

399. ***Mr. N. M. Joshi :** Will Government be pleased to state whether they have come to some decision as regards the increase in the subsistence allowance given to the task works peons in the Telegraph Department ; and if so, will they be pleased to state what the decision is ?

The Honourable Mr. A. C. McWatters : No decision has been arrived at.

Mr. N. M. Joshi : May I ask why there is delay ?

The Honourable Mr. A. C. McWatters : It is a very complicated question which, I think the Honourable Member will realise, is affected by conditions all over India. But I can assure him that my Honourable friend, Mr. Rogers, is dealing with the matter as expeditiously as possible.

DELIVERY PEONS OF THE TELEGRAPH DEPARTMENT.

400. ***Mr. N. M. Joshi :** Will Government be pleased to state what steps they have taken to give the privileges of superior service to the delivery peons of the Telegraph Department ?

The Honourable Mr. A. C. McWatters : No steps have been taken. The Honourable Member's attention is invited in this connection to the reply to starred question No. 550 by Mr. Chaman Lall in the Legislative Assembly on the 22nd February 1927.

Mr. N. M. Joshi : Why have no steps been taken ?

The Honourable Mr. A. C. McWatters : For the reasons given in the answer to the question to which I have referred the Honourable Member. Briefly, the position is that Government consider that as regards education, as regards duties and as regards responsibilities, no exact parallel can be drawn between telegraph peons and postmen.

Mr. N. M. Joshi : May I ask whether Government will be prepared to put this question to arbitration ?

The Honourable Mr. A. C. McWatters : No.

Mr. N. M. Joshi : Why ?

The Honourable Mr. A. C. McWatters : Because Government are quite satisfied that their opinion is correct in this matter.

DAILY PAID MEN IN THE STORES BRANCH OF THE TELEGRAPH DEPARTMENT.

401. ***Mr. N. M. Joshi :** (*a*) Is it a fact that in the Stores Branch of the Telegraph Department there is a large number of employees who are treated as daily paid men although they have put in many years of regular service ?

(*b*) Will Government be pleased to state what is the total number of such daily paid men and how many of them have served for ten years and more and how many have served between three years and ten years ?

(*c*) Will Government be pleased to state what steps they are taking to give such of these employees as have served for more than three years the privileges of permanent service ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) The total number is 337, of whom 61 have served for ten years or more and 126 between three and ten years.

(*c*) Government are taking no steps in the matter as they consider that the existing system is the most satisfactory for the class of work required.

Mr. N. M. Joshi : May I ask whether it is a proper system of recruiting their employees that Government should keep a large proportion of men who have served more than three years as temporary men ?

The Honourable Mr. A. C. McWatters : That must depend on the class of work which the men are doing. In the case of day to day work of this kind, the system adopted here is, I understand, followed in most departments and in most private firms.

Mr. N. M. Joshi : May I ask whether Government are aware that it is such treatment of their employees that leads to industrial unrest in this country ?

The Honourable Mr. A. C. McWatters : No. I do not admit that in this particular case.

Mr. N. M. Joshi : May I ask whether Government will enquire whether such treatment of their employees leads to unrest ?

The Honourable Mr. A. C. McWatters : I can only say this that in this particular case we have had no complaint whatever at any time.

GOODS SHED AT BURHANPUR RAILWAY STATION.

402. ***Mr. Abdul Qadir Siddiqi** : (*a*) Will the Government state in what year the goods shed at Burhanpur railway station was constructed ?

(*b*) Will the Government state the approximate amount of exports and imports at this station when the goods shed was constructed and the amount of export and import during the year 1926-27 ?

(*c*) Are Government aware that for want of sufficient accommodation the goods are kept on the passenger platform and on the temporary sidings and are exposed to damage, and that this causes great inconvenience to the passengers and gives chances for accidents ?

(*d*) Are Government aware that the merchants have been representing their grievances for several years and no action has been taken to provide an adequate goods shed, sidings, etc. ?

(*e*) Will the Government state whether they propose to take early action in the matter ?

Mr. A. A. L. Parsons : Government have no information on these points, but I am sending a copy of the Honourable Member's question to the Agent of the Great Indian Peninsula Railway in order that he may consider whether the goods traffic at this station justifies the provision of further facilities.

RAILWAY BETWEEN KHANDWA AND AKOLA.

403. ***Mr. Abdul Qadir Siddiqi :** (*a*) Will the Government state how far the scheme of connecting Khandwa to Akola by a railway line has progressed ?

(*b*) Do Government propose to extend the work under construction between Akola, Hiverkhed up to Khandwa or will it terminate at Hiverkhed ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The project for a broad gauge line from Basin through Akola to Hiverkhed is ready, and is at present being discussed with the authorities of His Exalted Highness the Nizam's Guaranteed State Railways. There are no immediate proposals for continuing the line from Hiverkhed to Khandwa.

STOPPAGE OF THE CALCUTTA MAIL AT BURHANPUR.

404. ***Mr. Abdul Qadir Siddiqi :** (*a*) Are Government aware that the stoppage of the Calcutta Mail at Burhanpur was suspended on account of the diversion of the train because the Neelodda bridge was washed away in 1926 ?

(*b*) As the bridge in question has been constructed and the train is running by the old route, do Government propose to consider the desirability of stopping the train at the Burhanpur railway station ?

Mr. A. A. L. Parsons : I have not been able to obtain a copy of the time tables for 1926 from which to verify the statement in the first part of the Honourable Member's question, but I am sending a copy of the question to the Agent of the Great Indian Peninsula Railway in order that he may consider the suggestion made in the second part.

†405* and 406*.

‡407*—441*.

NOMINATION OF MEMBERS OF THE DEPRESSED CLASSES TO THE LOCAL BOARDS AND MUNICIPAL COUNCILS IN DELHI PROVINCE, ETC.

442. ***Rao Bahadur M. C. Rajah :** (*a*) Will the Government be pleased to state whether the principle of nominating members of the depressed classes to the Local Boards and Municipal Councils in Delhi Province was accepted by Government ?

(*b*) Will the Government be pleased to lay on the table a statement giving the names of the members of the depressed classes nominated to the various Local Boards and Municipal Councils in Delhi Province ?

(*c*) (*i*) Will the Government be pleased to state whether it is a fact that the members of the depressed classes made a representation to the Chief Commissioner of Delhi for the nomination of a member of the depressed classes to the Delhi Municipal Council ?

(*ii*) If the answer to the above is in the affirmative, will the Government be pleased to lay on the table the reply given to this representation by the Chief Commissioner of Delhi ?

(*d*) (*i*) Will the Government be pleased to state, if it is a fact that the localities inhabited by the depressed classes in Delhi are in a most insanitary condition ?

(*ii*) Will the Government be pleased to lay on the table a statement showing the amount of money spent by the Delhi Municipal Committee during the years 1925-26, 1926-27 and 1927-28 on sanitation, education, roads, lighting and water supply in these localities ?

(*e*) (*i*) Will the Government be pleased to state if any representation was made to them by the members of the depressed classes in Delhi for improving these localities ?

(*ii*) If the answer to the above is in the affirmative, will they be pleased to state what action they took on this representation ?

Mr. G. S. Bajpai : (*a*) Government has accepted no such principle.

(*b*) No representative of the depressed classes has so far been appointed a member of the local bodies in question.

(*c*) (*i*) Yes.

(*ii*) A copy of the reply given to the Hindu Depressed Classes Mission in March last is placed on the table.

(*d*) (*i*) and (*ii*). The depressed classes are not confined to any particular area but live in various places in Katras or compounds. The insanitary conditions referred to by the Honourable Member are due partly to congestion and defective housing and partly to the unhygienic habits of the occupants themselves. No separate account is kept showing the

†On Mr. President's suggestion these questions were held over for the present.

‡For answers to these questions, see at the end of the list of starred questions for the day.

amount spent in these areas on the conveniences mentioned by the Honourable Member. Public latrines have been erected, water supply has been placed within easy reach, public schools have been thrown open for the children of this class and free primary education has been established. There are two considerable settlements of the depressed classes in the Municipal area. In one, where the land belongs to Government, arrangements for proper sanitation, water supply and street lighting have been made and drains constructed. The other is owned privately but a special staff was engaged last year to deal with its sanitation. The locality has been lighted and water taken to the nearest point. Proposals to acquire the whole of this latter area with a view to improvements are under consideration. Besides, a large area of land has lately been leased on favourable terms for the establishment of a colony for this class.

(*c*) (*i*) and (*ii*). No special representation has been received. Complaints which have reached the authorities from time to time have been dealt with as far as possible.

FROM THE HONOURABLE MR. A. M. STOW, O.B.E., I.C.S., CHIEF COMMISSIONER, DELHI, TO THE GENERAL SECRETARY, HINDU DEPRESSED CLASSES MISSION, No. 1812-EDN., DATED DELHI, THE 12TH MARCH 1928.

Question of the nomination of a representative of the Depressed Classes to the Delhi Municipal Committee.

In reply to your letter No. 3371, dated the 9th January 1928, to the Deputy Commissioner, Delhi, forwarding a memorial on the subject noted above, I have the honour to say that I have made enquiries into the statement contained in your letter to the effect that, in most of the Provincial Legislatures there are nominated representatives of the depressed classes. The Punjab Government, to whom I referred the matter, have replied that there is no seat in the Punjab Legislative Council specially reserved for a representative of these classes, and that no provision exists for their separate representation on Municipal Committees in the Punjab Municipal and District Boards. Arrangements in Delhi are based on legislation and rules current in the Punjab, and I do not, therefore, propose to make any special arrangements for Delhi until the question is mooted in the Punjab and a decision arrived at.

COLLECTION OF CUSTOMS REVENUE AT VIRAMGAUM.

443. ***Sir Purshotamdas Thakurdas** : (*a*) Will Government be pleased to place on the table a statement showing the collection of customs revenue at Viramgaum from 1st January 1928 to 30th June 1928 or such later date as they can give ?

(*b*) Will Government be pleased to indicate in the statement referred to in (*a*) above the articles on which they received customs revenue and also the names of the Ports at which the imports were received in India ?

(*c*) Will Government be pleased to state if the full revenue has been collected in cash ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*c*). The total amount of duty assessed from the 6th July 1927 to the 31st July, 1928, is Rs. 55,00,652 (gross) out of which Rs. 33,82,154 represents duty for the period from the 1st January to the 31st July, 1928. The amount recovered from the 6th July, 1927, to the 31st July, 1928, is Rs. 23,90,054 (gross), out of which Rs. 23,70,917 was recovered since the 1st January, 1928.

(*b*) (*i*) Sugar, matches, cotton and silk piece-goods, tobacco and cigarettes, motor cars, paper bales and bangles are the principal articles ;

(*ii*) Ports of Baroda, Navanagar, Porebandar, Junagadh and Morvi.

Sir Purshotamdas Thakurdas : Do I understand that all these amounts have been collected in cash and there are no outstandings ?

The Honourable Sir Bhupendra Nath Mitra : I have given the figures of collections in my reply and I have nothing to add to what I have said.

PROSCRIPTION OF THE PAPER *Al Mujahid* PUBLISHED IN CHAMARKAND.

444. ***Mr. C. S. Ranga Iyer** : (*a*) Will the Government please state if it is a fact that a paper called *Al Mujahid* is published from Chamarkand in Bijaur (Indian tribal territory) ?

(*b*) Is it proscribed in India ?

(*c*) What are the reasons for taking such action against the paper ?

(*d*) Have the premises of that paper been raised or are they going to be raided ?

Sir Denys Bray : (*a*) and (*b*). Yes, Sir.

(*c*) Because it is published with the avowed intention of exciting disaffection against Government.

(*d*) Not so far : Chamarkand lies unfortunately in a remote and unpoliced corner of our unadministered tribal territory.

Mr. President : Sardar Kartar Singh.

(The Honourable Member was absent.)

Sardar Gulab Singh : May I put the question, Sir ?

Mr. President : I cannot give permission because I have not been informed. Has the Honourable Member been asked by Sardar Kartar Singh to put his question ?

Sardar Gulab Singh : Yes.

Mr. President : He has not sent any intimation to the Chair.

†445* to 450*.

LEADER IN THE *Times of India* REGARDING TOURS OF THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY.

451. ***Mr. C. S. Ranga Iyer** : (*a*) Has the attention of the Honourable the President of the Legislative Assembly been drawn to an editorial in the *Times of India* in which it asks " who pays for the Assembly President Mr. V. J. Patel's gadding about the country " ?

(*b*) Is the Honourable the President aware that a telegraphic summary, dated August 23rd, of the said article appeared in most of the Indian newspapers ?

(*c*) Has the attention of the Honourable the President been further drawn to the observations in the said leader of the *Times of India* as contained in a telegraphic summary thereof, asserting " that Mr. Patel does

†For answers to these questions, see at the end of the list of starred questions for the day.

not, like Sir Frederick Whyte, possess a deep fund of expert knowledge and experience of Parliamentary practice out of which to give advice and assistance " ?

(*d*) Is the Honourable the President aware that the said newspaper protests " as a tax-payer " against the expenditure of public funds and expects the tax-payer's representatives in the Legislative Assembly to make sure that no such expenditure is allowed ?

(*e*) Will the Honourable the President be pleased to communicate to the House the actual expenses for a year incurred by way of tours by the said Sir Frederick Whyte, the former President of the Assembly, and the present President ?

(*f*) Has the attention of the Honourable the President been drawn to this observation of the said newspaper : " For what purpose is it one of those conventions that he pretends to make " ?

(*g*) Will the Honourable the President be pleased to state whether he is making a convention or following a precedent ?

(*h*) Is it not a fact that the Joint Committee of Parliament expected of the President of the Indian Legislative Assembly to tour over the country in connection with the work of the Provincial Legislatures ?

Mr. President : This is a question addressed to the Chair. I think ordinarily questions are not permissible in that form, but I have allowed this question to be put down on the paper with a view to enable me to make a statement on the subject of this question. I hope the Honourable Member will wait till I make my statement.

Mr. C. S. Ranga Iyer : Yes, Sir.

†452* to 456*.

DISCONTENT AMONG GRADUATE CLERKS IN THE POST OFFICES IN PRESIDENCY TOWNS.

457. ***Mr. A. H. Ghuznavi** : (*a*) Are the Government aware that serious discontent is prevailing among graduate clerks in the post offices in Presidency towns ?

(*b*) Are the Government aware that the graduate clerks in the Presidency post offices who were enlisted before 1926 and rendered 3 to 4 years' service are getting less than Rs. 74 whereas raw graduates enlisted in 1926-27 are getting Rs. 74 and Rs. 80 per month ?

(*c*) Do Government propose to take steps to rectify the above anomalies at an early date ?

The Honourable Mr. A. C. McWatters : (*a*) Government are not aware of any serious discontent. Some representations received are under consideration.

(*b*) The facts are substantially as stated by the Honourable Member.

(*c*) The Honourable Member is referred to the answer given by the Honourable Sir Bhupendra Nath Mitra to Mr. V. V. Jogiah's unstarred question No. 100 in the Assembly on the 6th September, 1927. The matter is still under consideration.

†For answers to these questions, see at the end of the list of starred questions for the day.

CHARGES FOR TOURISTS' CARS ON THE DIFFERENT RAILWAYS.

458. ***Mr. A. H. Ghuznavi** : (*a*) Are the Government aware that at present there is not much demand for tourists' cars on the different railways ?

(*b*) Are the Government aware that this is due to the exorbitant rates charged for tourists' cars ?

(*c*) Do Government propose to cheapen the rates of tourists' cars so as to make them popular ?

(*d*) Do Government propose to provide second class tourists' cars as well ?

Mr. A. A. L. Parsons : (*a*) The information in possession of Government shows that there is a very large demand for these cars, particularly in the cold weather.

(*b*) No.

(*c*) As has been explained, there is a very large demand for these cars during the winter at the present rates. During the summer months the rates are reduced by 50 per cent. by the State-managed Railways and the Bombay, Baroda and Central India Railway.

(*d*) Government do not contemplate putting on second class tourist cars at present. Experiments are shortly to be made on certain Railways with third class tourist cars.

ISSUE OF MONTHLY TIME-TABLES BY THE EASTERN BENGAL AND THE EAST INDIAN RAILWAYS.

459. ***Mr. A. H. Ghuznavi** : (*a*) Are the Government aware that great hardships are caused to the travelling public by the absence of monthly time-tables on the Eastern Bengal Railway and the East Indian Railway, especially because very great changes are sometimes effected in the time-tables of these Railways before six months are over ?

(*b*) If the answer to (*a*) is in the affirmative, do Government propose to direct that these Railways issue monthly time-tables showing only the timings of the different trains at the cost of one anna per copy ?

Mr. A. A. L. Parsons : It is probably true that some inconvenience is caused when the timings of trains are altered between issues of the six-monthly time-tables now usually prepared on Railways. The Railway Board will consider whether it is possible to remove this inconvenience either by the issuing of more frequent time-tables or by other measures.

PROVISION OF PROPER LIGHTS AND FANS IN THE SHUTTLE TRAIN BETWEEN CHEOKI AND ALLAHABAD.

460. ***Mr. A. H. Ghuznavi** : (*a*) Are the Government aware of the great inconvenience of the travelling public in the shuttle train between Cheoki and Allahabad for the want of the proper provision of fans and lights ?

(*b*) If the answer to part (*a*) is in the affirmative, do Government propose to make arrangements for providing proper lights and fans in the above-mentioned train at any early date ?

Mr. A. A. L. Parsons : (*a*) Government have received no complaint to this effect.

(*b*) A copy of the Honourable Member's question will be sent to the Agent, East Indian Railway, who will I am sure rectify any defects there may be in the service.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member to suggest to the Agent that the best way of removing this defect would be to take the Bombay Mail to Allahabad instead of asking the passengers for Allahabad to get out at Cheoki ?

Mr. A. A. L. Parsons : I will communicate the Honourable Member's suggestion to the Agent.

[At this stage Mr. President vacated the Chair which was taken by Lala Lajpat Rai, one of the Panel of Chairmen.]

WATER WORKS FOR KASAULI.

461. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware that some years back there was a scheme for starting a water works at Kasauli ?

(*b*) Is it a fact that the public of Kasauli are in want of a proper supply of drinking water ?

(*c*) Do Government propose to consider a scheme to draw water for the public from a place near Jabli station on the Kalka-Simla Railway ?

Mr. G. M. Young : I am making inquiries and will let the Honourable Member know the result.

ACCIDENTS ON RAILWAYS IN 1927.

462. ***Mr. A. H. Ghuznavi** : Will the Government be pleased to lay on the table a statement showing the number of railway accidents during last year with the number of casualties in each case ?

Mr. A. A. L. Parsons : I have sent the Honourable Member a statement showing the number of accidents which occurred during 1927-28 together with the number of casualties from those accidents. Full details will be found in Appendix D to Vol. II of the Railway Board's report for 1927-28 which will be published in November.

PROMOTION OF SUBORDINATE EMPLOYEES OF THE GREAT INDIAN PENINSULA RAILWAY.

463. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether there are any rules for making appointments in the higher grade from among the subordinate employees of the Great Indian Peninsula Railway ; if so, what are these rules ;

(*b*) whether there have been innumerable complaints from the Great Indian Peninsula Railway staff of (*i*) indiscriminate promotions to the junior men superseding the claims of many competent men though senior in service, and (*ii*) of making direct recruitment thereby superseding the claims of the officials in service ; if so, what action has so far been taken on these complaints ;

(*c*) whether in future definite instructions will be issued to the heads of the Departments of the Great Indian Peninsula Railway Administration requiring promotions to the higher grades from among the senior and competent men ?

Mr. A. A. L. Parsons : (*a*) Promotions are made in accordance with seniority combined with suitability and merit. Other things being equal, the senior man is given the promotion.

(*b*) No, though no doubt complaints have been received from individuals who have not received promotion owing to the principle explained in my reply to (*a*) I understand each such complaint is investigated by the Deputy Agent.

(*c*) No. As I have explained, seniority and competence are taken into account in making promotions and no further instructions seem to be needed.

CLASSIFICATION OF GUARDS, ENGINE DRIVERS AND TICKET COLLECTORS ON THE GREAT INDIAN PENINSULA RAILWAY.

464. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether the guards, the engine drivers and ticket collectors working on the Great Indian Peninsula Railway are divided into two classes or grades, *viz.*, " A " and " B " ;

(*b*) whether it is a fact that employees in " A " grade are Europeans and Anglo-Indians and those in " B " grade Indians ;

(*c*) whether the division is based on racial grounds ; if not, what are the rules governing this classification ;

(*d*) what are the qualifications and scales of pay of the employees of each class ;

(*e*) whether it is a fact that rules relating to leave, and other privileges governing the two grades are different ; if so, what are the rules applicable to each grade ;

(*f*) the reasons for this differentiation ?

Mr. A. A. L. Parson : (*a*) Guards are divided into two grades " A " and " B " and into classes within those grades. Drivers are divided into four classes " A ", " B ", " C " and " D ". Ticket collectors are divided into two grades, lower and higher.

(*b*) The Agent informs me that this is not the case. No grade or class is restricted to any particular race.

(*c*) No. But I find in the rules governing the classification, which I obtained in order to answer the Honourable Member's question and of which I am sending him copies, a provision that when a qualified European or Anglo-Indian ticket collector works temporarily as a guard he will be paid the minimum pay of a probationary guard Grade " A ". The Railway Board are instructing the Agent that this rule must either be cancelled or made applicable to all ticket collectors irrespective of race.

(*d*) The rules, copies of which I am sending the Honourable Member, state the qualifications and scales of pay for guards and drivers. Ticket collectors are graded according to educational qualifications and suitability

and the scale of pay of the lower grade is from Rs. 30 to Rs. 50 and of the higher grade from Rs. 60 to Rs. 90.

(*e*) and (*f*). The leave of staff engaged after the 1st of July, 1925, is regulated by the Fundamental Rules applicable to Government servants generally. The staff of the Great Indian Peninsula Railway who were taken over by Government on the 1st of July, 1925, remain under the old Company's rules as part of the arrangement under which they were taken over. In neither case is distinction made according to grades.

Mr. N. M. Joshi : With reference to the answer to part (*b*) may I ask whether the Government of India have scrutinised the figures of guards and drivers in class " A " and found out whether these classes are made to keep up the racial distinction in substance, if not in name ?

Mr. A. A. L. Parsons : The Government of India do not know what the particular composition is. I understand the position to be that in the past a large number of Europeans or Anglo-Indians were taken into grade " A " and that ordinarily Indians were not taken into grade " A ". Therefore at present the composition in grade " A " is largely either European or Anglo-Indian. That is not now the rule and as men retire from that grade and others come in, the composition will be varied.

Mr. K. C. Neogy : Has the Honourable Member assured himself that Indians are recruited direct to " A " grade ?

Mr. A. A. L. Parsons : The Agent has assured me that they are now recruited to " A " grade.

Mr. N. M. Joshi: May I ask, in view of the fact that there is an impression that these grades are made in order to keep up racial distinctions in substance though not in name, whether Government will make an inquiry and place the figures on the table of this House ?

Mr. A. A. L. Parsons : I do not see any reason for making such an inquiry. I have explained the exact position, and I think the impression to which the Honourable Member has referred relates to what has happened in the past. I have no reason to believe there is now racial discrimination in this matter.

Mr. N. M. Joshi : Will not that impression be removed if the Honourable Member gives figures for Indians in grade " A " during the past year ?

Mr. A. A. L. Parsons : I am afraid I feel rather hopeless about removing the Honourable Member's impressions on this matter, whatever statistics I get for him.

Sir Hari Singh Gour : The Honourable Member's impression may not be removed but the general impression that prevails in the country is that though the distinction has been nominally removed it really remains. May I ask the Honourable Member to reconsider his decision and place the figures on the table ?

Pandit Hirday Nath Kunzru : May I know if the Honourable Member is aware that this state of things also exists on the East Indian Railway ?

Mr. Gaya Prasad Singh : And also on the Bengal and North-Western Railway ?

Mr. C. S. Ranga Iyer : And also on the Oudh and Rohilkhand Railway and the Rohilkund and Kumaon Railway ?

The Honourable Sir George Rainy : I think the Honourable Members who have put questions about a number of other Railways should give notice of them. As regards the question put by my Honourable friend Mr. Joshi, I will look into the matter and consider whether it would not be desirable that the figures he wants for the past year should be given.

Pandit Hirday Nath Kunzru : In view of the fact that similar questions have been put in this House about the East Indian Railway, would Government mind inquiring into the state of things on that Railway also ?

The Honourable Sir George Rainy : I think the Honourable Member should give notice of a question on that matter if he wishes it to be inquired into.

Pandit Hirday Nath Kunzru : Do not Government know that I have repeatedly put questions on this subject in the House ?

The Honourable Sir George Rainy : It is quite clear, Sir, from Mr. Joshi's question what is the precise point that he wants to be enquired into, and what are the figures he wants. It is by no means clear what would be the exact point in connection with the East Indian Railway. It is for that reason that the Honourable Member should give notice.

INORDINATE DELAY ON THE PAYMENT OF SALARIES TO THE SUBORDINATE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

465. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether the subordinate employees of the Great Indian Peninsula Railway Administration have been complaining for the long and inordinate delay in the payment of their monthly salaries ;

(*b*) the dates on which the salaries are paid to the employees of different grades and at different stations ;

(*c*) whether they will take steps to see that payment of salaries is not in any case delayed beyond the first week of every month ?

Mr. A. A. L. Parsons : (*a*) No such complaints have been received.

(*b*) I am sending the Honourable Member statements showing dates on which different grades are paid on various divisions.

(*c*) It is not possible to arrange that payment of salaries is in no case delayed more than 7 days beyond the close of the period by the work of which the salaries have been earned. The Great Indian Peninsula Railway Administration are taking steps to secure that there should be no avoidable delay.

Mr. N. M. Joshi : May I ask with regard to (*a*) whether no such complaints have been received either by the Agent or by the Government ?

Mr. A. A. L. Parsons : Certainly no complaints have been received by the Government of India or by the Railway Board. The information which I gave the Honourable Member in my reply is that which I received from the Agent.

Mr. M. S. Aney : Is it not a fact that complaints in these matters are ordinarily made to the Agent and not to the Railway Board ?

Mr. A. A. L. Parsons : Will the Honourable Member kindly repeat the question ?

Mr. M. S. Aney : Is it not a fact that complaints of this nature are ordinarily made to the Agent and not to the Railway Board ?

Mr. A. A. L. Parsons : Yes, Sir, it is certainly a matter with which the Agent should deal.

Mr. M. S. Aney : If that is so, is it not the duty of the Railway Board to inquire from the Agent whether complaints of that nature have been received ?

Mr. A. A. L. Parsons : And that is why, as I have already explained, I did make inquiries from the Agent.

GRANT OF A WEEKLY REST DAY TO THE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

466. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether the Great Indian Peninsula Railway Administration has proposed to increase the daily working hours of the staff in order to give a weekly off-day ;

(*b*) what are the exact proposals of the Great Indian Peninsula Railway Administration to give effect to the Geneva Convention ;

(*c*) whether Government will see that a weekly off-day is given without increasing the present hours of work ?

Mr. A. A. L. Parsons : (*a*) and (*b*). A large number of the staff on the Great Indian Peninsula Railway already work for 60 or less hours per week in accordance with the terms of the Washington Convention. It is not proposed to increase the number of hours they work in each week, but, in order to give them the benefit of a weekly rest day in accordance with the Geneva Convention, the introduction of a system of rostering has been suggested under which they will work 12 hours a day instead of 8 on two days in the week and 8 hours a day on the remaining four days. To this extent the working hours on certain days would be increased, but the men would receive in one week a continuous rest of 40 hours and in the next two weeks a continuous rest of 32 hours without any increase in the number of their working hours.

(*c*) Government consider that the proposals of the Agent of the Great Indian Peninsula Railway are well devised to give effect to both the Washington and Geneva Conventions, but they understand that he has informed the staff concerned that if they can put forward alternative proposals they will be considered.

Mr. N. M. Joshi : May I ask whether it is not in the interests of the passengers themselves that railway servants should not be asked to work twelve hours a day ?

Mr. A. A. L. Parsons : I do not think that there is any fear that if the arrangements which the Agent has proposed are put into force by which the staff will only work on two days in the week for twelve hours and will then have a longer period of rest, the interests and safety of passengers will not be properly looked after. The Honourable Member appears to suggest that steps should be taken to give effect to the Geneva Convention and at the same time to reduce the hours of work below those laid down by the Washington Convention.

Mr. N. M. Joshi : May I ask whether the Government of India are aware that the hours fixed by the Washington Convention are maximum hours and are not hours which must necessarily be exceeded ?

Mr. A. A. L. Parsons : The Government of India are aware of the position, and as the Honourable Member will see from my original reply, the hours of work on the Great Indian Peninsula Railway are generally 56 and not 60.

GRANT OF CASUAL AND PRIVILEGE LEAVE TO THE SUBORDINATE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

467. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether the production of the certificate from the Railway Doctor is invariably insisted upon by the Great Indian Peninsula Railway Administration from their subordinate employees for obtaining either casual or privilege leave in case of illness ;

(*b*) whether it is a fact that the officials who become suddenly ill are denied the request of casual leave for a period up to three days, even though supported by a certificate from a registered medical practitioner under whose treatment he may be ;

(*c*) whether the certificate referred to in part (*b*) above is sent for countersignature to the Railway Doctor who refuses to countersign it inasmuch as the official is returned to work after a short illness ;

(*d*) whether it is a fact that the subordinate officials working at Wadi Bunder in Bombay are not given any day's casual leave even for most urgent and sudden emergency unless they previously apply ; if so, whether the Government will take steps to remove the grievance of the staff ?

Mr. A. A. L. Parsons : (*a*) No medical certificate is required for casual leave or privilege leave from whatever motive it may be applied for.

(*b*) From the reply so far received to my enquiry I have not been able to ascertain what the exact position is. I am therefore making further enquiries from the Agent and will communicate again with the Honourable Member.

(*c*) The countersignature of the Railway Medical Officer is required ; it is not refused without good reason.

(*d*) No. The ordinary rule is that if a man absents himself without leave, leave will not subsequently be granted for the days of absence. This is of course necessary to prevent dislocation of work ; but this rule is not enforced in cases of sickness or of absence on account of unforeseen circumstances.

GRANT OF PERSONAL PAY AND ADVANCE INCREMENTS TO SUBORDINATE OFFICIALS ON THE GREAT INDIAN PENINSULA RAILWAY.

468. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that the Railway Board has accepted a principle of giving advance increments and personal allowance in the case of officials whose yearly promotion has been retarded through no fault of their own for a period of five years and can claim a special grant of advance increments and personal allowance ;

(*b*) whether they are aware that there are a number of cases of subordinate officials on the Great Indian Peninsula Railway who have been clocked (*sic*) on one scale of pay through no fault of their own ; if so, whether they apply the same principle in respect of subordinate staff also ; if not, why not ?

Mr. A. A. L. Parsons : (*a*) Ordinarily, personal pay is not granted to an officer, unless he has been at least five years on the same pay ; but this is by no means the only, or the most important, criterion. I will send the Honourable Member a copy of the instructions with regard to both personal pay and advance increments, if he wishes.

(*b*) The orders apply equally to subordinates.

DISCHARGE OF FIVE MEN EMPLOYED AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

469. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that five persons working at Wadi Bunder in Bombay on the Great Indian Peninsula Railway were discharged at the end of 1926 under plea of reduction in establishment ; if so, how many years of service each of them had put in ;

(*b*) whether new men have since been employed ;

(*c*) whether those discharged men were re-employed ?

Mr. A. A. L. Parsons : I am collecting the information and will communicate with the Honourable Member in due course.

DISCONTENT AMONG THE SUBORDINATES OF THE ELECTRICAL BRANCH OF THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

470. ***Mr. N. M. Joshi** : Are the Government aware of the great and long-standing discontent existing among the subordinate ranks of the Electrical Branch of the Indian Posts and Telegraphs over their pay, prospects, and conditions of service under the dual control of the Traffic and the Engineering Branches ? Do the Government propose taking any steps to improve the efficiency of the Branch and remove the disabilities now obtaining ?

The Honourable Mr. A. C. McWatters : Government understand that certain representations from the subordinate ranks of the Electrical Branch of the Posts and Telegraphs Department have just been received by the Director-General and will be considered by him in due course.

ABOLITION OF THE PUNISHMENT OF FLOGGING.

471. ***Mr. M. S. Aney** (on behalf of Lala Lajpat Rai) : (*a*) Has the attention of the Government been drawn to an article relating to " Flogging " which appeared in the *People*, dated September 29th ?

(*b*) Will the Government state its attitude towards the abolition of the punishment of " Flogging " ?

The Honourable Mr. J. Crerar : (*a*) Government have seen the article referred to.

(*b*) Government consider that whipping whether as a judicial punishment or as a jail penalty cannot be entirely dispensed with. While they hold that the Whipping Act of 1909 should be retained on the Statute-book I would inform the Honourable Member that Government issued instructions in 1925 through Local Governments and High Courts requiring magistrates to confine the application of section 3 of the Act in practice to cases in which both the status of the offender and the nature of the offence make the punishment of whipping suitable. As a jail penalty whipping is now inflicted only for mutiny or for conduct seriously affecting the discipline of the prison or for incitement thereto, for serious assaults on any public servant or visitor or, after other punishments have failed, for other offences of a specially grave nature.

CLOSING OF THE MALL AT DERA ISMAIL KHAN TO THE INDIAN PUBLIC.

472 ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the local authorities of Dera Ismail Khan have closed the Mall Road of that place to the Indian public, on the ground that its surface was sinking ? If so, why is the road not repaired ?

(*b*) Is it a fact that military lorries, Europeans, motor-cars of Europeans, their horses, dogs, sweepers, khansamas, bearers, etc., are allowed to pass over the Mall, but not Indian gentlemen ?

(*c*) Is it a fact that the citizens of Dera Ismail Khan held a public meeting about the 21st August 1928 to protest against this objectionable order, and the President of the meeting said that he " went to the road in order to copy the order, but was stopped by a policeman on duty, who said that he had orders that it was meant to be read and not copied " (*vide* the *Leader*, dated the 25th August 1928) ?

(*d*) Will Government be pleased to lay a copy of this order on the table ; and also state what steps, if any, are being taken to withdraw it ?

Mr. G. M. Young : The Mall Road in Dera Ismail Khan Cantonment has been temporarily closed to the public by the Cantonment Board under the powers vested in them under section 192 of the Cantonments Act, owing to the fact that through lack of rain the road surface was breaking up.

An exception was, however, made in favour of all persons, whether Indian or European, who actually reside on the Mall Road, and who obviously could not be debarred from its use.

A copy of the order in question is laid on the table.

The Government have no further information but they presume that the road will be repaired as quickly as possible, when the order will be withdrawn.

Notice.

Owing to the lack of rain and the breaking up of the surface of the Mall, it is hereby declared under section 192 (2) of the Cantonments Act, 1924, that the Mall is temporarily closed to all traffic with the exception of persons actually resident in the Mall.

Mr. Gaya Prasad Singh : May I know if the Honourable the Foreign Secretary has anything to say on this question ?

Sir Denys Bray : It would be impossible for me to put the answer more neatly.

NUMBER OF APPLICATIONS MADE BY ASSESSEES IN THE DELHI PROVINCE UNDER SECTION 27 OF THE INDIAN INCOME-TAX ACT, 1922.

473. ***Lala Rang Behari Lal** : (*a*) Will the Government be pleased to state how many petitions were made by the assessees in the Delhi Province under section 27 of the Income-tax Act 11 of 1922 for a fresh assessment on the ground of sufficient cause during the last three years ?

(*b*) Will the Government be pleased to state how many out of these petitions were accepted by the Income-tax Officer, Delhi ?

(*c*) Will the Government be pleased to state how many assessees whose petitions were rejected under section 27 filed appeals from the orders of rejection during the last three years ?

(*d*) Will the Government be pleased to state how many of these appeals were successful ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The number of applications presented by assessees under section 27 was 278 in 1925-26, 201 in 1926-27 and 104 in 1927-28.

(*b*) Of these, 70 were successful in 1925-26, 45 in 1926-27 and 14 in 1927-28.

(*c*) and (*d*). The information is not available. It will be obtained and supplied to the Honourable Member.

GRANT OF A RIGHT OF APPEAL TO PERSONS WHO RECEIVE NOTICES UNDER SECTION 22 (2) AND (4) OF THE INDIAN INCOME-TAX ACT AS AGENTS OF NON-RESIDENTS LIABLE TO ASSESSMENT.

474. ***Lala Rang Behari Lal** : (*a*) Has the attention of the Government been drawn to the cases of persons who receive notices under section 22 (2) and section 22 (4) of the Income-tax Act as agents of non-residents liable to assessment under section 42 of the said Act, but who deny being agents of such persons and are unable to comply with the notices but are assessed under section 23 (4) by the Income-tax Officer and have no right of appeal ?

(*b*) Do Government propose to make a provision for appeal in such cases ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The Central Board of Revenue have not received any representations on the subject to which the Honourable Member refers. It is not the case, as he suggests, that no appeal lies in such cases. Anyone who is assessed under section 23 (4) may apply to the Income-tax Officer under section 27 to re-open the assessment on the ground that he was prevented by sufficient cause from making the return required by section 22, or from complying with notices issued under section 22 (4) or section 23 (2). If the application is rejected he has an appeal to the Assistant Commissioner under section 30 (1). He may also if necessary move the Commissioner to exercise his revisional powers under section 33. If a point of law is involved, he may claim a reference to the High Court under section 66 (2) and if necessary move the High Court to direct the Commissioner to make a reference to it under section 66 (3).

The fact, if established, that a person was " unable to comply with a notice " would obviously be a " sufficient cause " for not complying with it.

(*b*) Does not arise.

QUESTIONS NOT PUT AT THE MEETING OWING TO THE ABSENCE OF THE QUESTIONERS, AND ANSWERS TO THE SAME.

RECRUITMENT OF THE CLERICAL STAFF IN ARMY HEADQUARTERS.

407. ***Sardar Kartar Singh** : (*a*) Is it a fact that the Indian Stores Department and the offices of the Director-General, Posts and Telegraphs, and the Director General of Observatories are offices attached or subordinate to the Department of Industries and Labour ?

(*b*) Is it a fact that each of these offices gets its staff from the Public Service Commission direct and not through the Department of Industries and Labour ?

(*c*) Is it also a fact that similarly there are attached offices of the Departments of the Education, Health and Lands, Finance, Commerce and Home ?

(*d*) Is it a fact that all of the attached offices subordinate to the Departments mentioned in (*c*) also get their recruits direct from the Public Service Commission and that they have got their own officer who deals with the establishment cases ?

(*e*) Is it a fact that none of the main offices which has got attached offices has any officer simply dealing with the appointments, leave and transfers of the clerical establishment of the attached offices ?

(*f*) If the reply to (*a*) and (*c*) are in the affirmative, will the Government please state if Army Headquarters are not subordinate or attached offices to the Army Department ?

(*g*) Is it a fact that every Branch of the Army Headquarters has got its own Officer Supervisor who deals with the establishment ?

(*h*) If the reply to (*g*) is in the affirmative, will the Government please state the reasons for keeping the post of the Officer Supervisor in the Army Department who is doing recruitment work for the Army Headquarters ?

(*i*) Will the Government please let this House know why the Officer Supervisors in the different Branches of the Army Headquarters should not

get the staff direct from the Public Service Commission as is done in the Civil Departments ?

(*j*) In view of the above facts, do Government propose to consider the advisability of abolishing the post of Officer Supervisor with its staff in the Army Department to relieve the Indian tax-payers from this burden ?

(*k*) If they cannot abolish this post, do Government propose to consider the advisability of abolishing other Officer Supervisors' appointments in all the Branches ? If not, why not ?

Mr. G. M. Young : (*a*) Yes.

(*b*) Yes, so far as the Indian Stores Department is concerned. The recruitment of the staff for the offices of the Director General, Posts and Telegraphs, and the Director General of Observatories is not done through the Public Service Commission.

(*c*) and (*d*). Yes, except that the Commerce Department has no attached office.

(*e*) Yes.

(*f*) Not in the sense in which the description is applied to the offices mentioned in (*c*).

(*g*) Yes.

(*h*) There is no post of Officer Supervisor in the Army Department. The recruitment work for Army Headquarters is performed by the Establishment Officer but it forms only a part of his duties.

(*i*) As a matter of administrative convenience in order to obtain a single co-ordinating authority the Army Headquarters clerical staff is controlled by the Secretary, Army Department, and all questions concerned with recruitment are dealt with in his office. For Army Headquarters to recruit direct from the Public Service Commission would throw a very great burden of work on the Public Service Commission and would undoubtedly result in much overlapping and uneconomical working.

(*j*) No.

(*k*) No. The duties of Officer Supervisors are by no means confined to appointments and are sufficiently onerous to justify their retention.

RECRUITMENT OF THE CLERICAL STAFF FOR ARMY HEADQUARTERS.

408. ***Sardar Kartar Singh** : (*a*) Will the Government please state the number of clerical appointments made by the Officer Supervisor of the Army Department in all the offices under him since January, 1925, and how many of them are Muhammadans, Hindus and Sikhs ?

(*b*) Will the Government also be pleased to state how many times this officer asked for men from the Public Service Commission since then ?

(*c*) Will Government be pleased to state the number of—

(1) Muhammadans,

(2) Sikhs, and

(3) Hindus

asked for on each occasion ?

(*d*) Is it a fact that this officer when he did not once get Muhammadans asked the Public Service Commission to send Muhammadans even though they had none and the Public Service Commission was specially asked to supplement the list of passed candidates by Muhammadans only from the unpassed men who appeared at the last examination ?

(*e*) Will the Government please state how many times he asked for Sikhs ? If not, why not ?

(*f*) Is it not a fact that the Sikhs are included in minority communities ? If so, was any Sikh candidate sent for from the Public Service Commission in the letter referred in (*d*) ? If not, why not ?

(*g*) Is it a fact that the assistant in the office of the Officer Supervisor entrusted with this work is a Muhammadan and that he always asks for Muhammadans only and never any man from the Sikh or Indian Christian community ? If so, will the Government please put some senior assistant other than the Muhammadan or a Hindu in charge of this work ?

(*h*) Do Government propose to appoint Sikhs in future vacancies in the Army Headquarters ?

Mr. G. M. Young : (*a*)

Total appointments made ..	738
Hindus	305
Muhammadans	211
Sikhs	47

The figures necessarily include appointments which have been given to the same men on different occasions or in different offices throughout the period of 3 years.

(*b*) The exact number is not known, but it is probably several hundreds.

(*c*) No particular community is normally asked for.

(*d*) The Army Department did on one or two occasions ask for Muhammadans. The Public Service Commission were unable to comply fully with the request. The Army Department never asked for unpassed men.

(*e*) As far as I know Sikhs were never asked for because there was always an ample proportion of them in the office as compared with Muhammadans and Hindus.

(*f*) Yes. No Sikh candidate was asked for for the reasons at (*e*) above.

(*g*) The assistant is a Muhammadan but he works under the orders of the Establishment Officer and has no control in selecting the castes required. It is untrue to say that requisitions are confined to Muhammadans. The last part of the question does not arise.

(*h*) It will be apparent from (*a*) that Sikhs are being appointed in a sufficient proportion.

SIKH STENOGRAPHERS AND REPORTERS IN THE GOVERNMENT OF INDIA SECRETARIAT.

409. ***Sardar Kartar Singh** : (*a*) Is it a fact that there is not a single Sikh stenographer or Reporter in the Secretariat ?

(*b*) Is it a fact that Public Service Commission is going to hold an examination for this ?

(*c*) If so, do Government propose to take Sikhs alike Muhammadans for appointment in the offices as stenographers ? If not, why not ?

The Honourable Mr. J. Crerar : (*a*) No Sikhs are permanently employed as Reporters or Stenographers in the Government of India Secretariat at present, but two are officiating as Stenographers.

(*b*) Not in the near future.

(*c*) The question does not arise.

DUTIES OF THE MUHAMMADAN MEMBER OF THE PUBLIC SERVICE COMMISSION.

410. ***Sardar Kartar Singh** : Will the Government be pleased to state whether it is the duty of the Muhammadan Member appointed on the Public Service Commission to look after the interests of the Muhammadan community alone ? If so, who is the Member to safeguard the interests of the other minority communities ?

The Honourable Mr. J. Crerar : The answer to the first part of the question is in the negative : the second part does not arise.

TRAINING OF INDIAN YOUTHS IN THE SECURITY PRINTING PRESS, NASIK.

411. ***Sardar Kartar Singh** : Has the proposal to train Indian youths in the Security Printing Press, Nasik, and then send them to England for further training for ultimate appointment in that line, been matured ? If so, from which Province and community and how was the last recruitment made ? What are the prospects of that line ?

The Honourable Sir Bhupendra Nath Mitra : No such proposal has hitherto been considered by the Government of India. The question was raised by the Standing Finance Committee at its meeting on the 30th August 1928, and it will receive in due course the most careful consideration of Government. With reference to the last part of his question, I shall hand to the Honourable Member a statement showing the pay now drawn by the employees of the Security Printing Press in superior pensionable service.

LAVATORIES IN THE THIRD AND INTERMEDIATE CLASS COMPARTMENTS ON THE KALKA-SIMLA RAILWAY.

412. ***Sardar Kartar Singh** : Has the attention of the Government been drawn to the lavatories in the third and intermediate class compartments on the Kalka-Simla Railway ? Are Government aware that they are so narrow and small that it is not possible for a healthy man to conveniently enter through the door and if he does with difficulty he cannot make use of them ? Do Government propose to take early steps to remove this difficulty ? If not, why not ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative. The lavatories in all classes of passenger stock on the Kalka-Simla Railway are unavoidably small owing to the restricted dimensions of vehicles on a narrow gauge railway ; but owing to the frequent halts, no great inconvenience should be caused thereby.

RECRUITMENT OF THE IMPERIAL AGRICULTURAL SERVICE FROM POST-GRADUATE STUDENTS OF THE AGRICULTURAL RESEARCH INSTITUTE AT PUSA.

413. ***Sardar Kartar Singh** : (*a*) How many post-graduate students are taken each year in the Pusa Agricultural Institute and how many have so far been trained since the existence of the Institute and how have they been provided for ?

(*b*) Is it a fact that no post is guaranteed to these students as is done in Roorkee and other colleges ? If so, why not ?

(*c*) Has any student after qualifying himself from this Institute been taken in the Imperial Agricultural Service ? If not, what is the object of establishing this Institute ?

(*d*) How many Sikhs have so far been trained and in what capacity were they taken after passing the final examination ?

(*e*) Do the Government propose to recruit their future Imperial Agriculture Service men from this Institute ? If not, why not ?

Mr. G. S. Bajpai : (*a*), (*b*), (*c*) and (*e*). The Honourable Member is referred to the replies given to parts (*a*), (*b*), (*d*) and (*e*) of question No. 406 asked by Mr. Mukhtar Singh on the 12th March 1928. Since that question was answered the number of post-graduate students trained at the Pusa Agricultural Institute has risen to 108.

(*d*) 5 Sikhs in all have so far been trained. Of these two are serving in the Punjab Department of Agriculture, one is Director of Agriculture, Patiala State, and another is employed in the Khalsa College, Amritsar.

APPOINTMENT OF SIKHS TO THE INDIAN METEOROLOGICAL DEPARTMENT.

414. ***Sardar Kartar Singh** : (*a*) Is it a fact that in September, 1927, a couple of appointments of Assistant Meteorologist were made in the Meteorological Department ?

(*b*) How many Sikhs were applicants ?

(*c*) Why has no Sikh so far been appointed in this Department ? Do the Government propose to take steps to give a share of representation to Sikhs in this Department ?

The Honourable Mr. A. C. McWatters : (*a*) One appointment of Assistant Meteorologist was made in the Indian Meteorological Department in September 1927.

(*b*) One.

(*c*) The attention of the Honourable Member is invited to the reply given to part (*b*) of Sardar Gulab Singh's question No. 312 on the 7th February 1927.

REPRESENTATION OF SIKHS IN THE INDIAN RAILWAY SERVICE OF ENGINEERS AND THE TRAFFIC DEPARTMENT OF THE SUPERIOR REVENUE ESTABLISHMENT OF STATE RAILWAYS.

415. ***Sardar Kartar Singh** : (*a*) Is it a fact that some A. T. S. (Imperial) and Engineers (I. S. E.) are to be recruited in the near future ?

(*b*) How do Government propose to represent the Sikhs in these lines ?

(*c*) Is it a fact that there is a negligible number of Sikhs in these lines ? If so, do Government propose to take early steps to bring up the required number of Sikhs in these vacancies so as to give them a full share of representation ?

Mr. A. A. L. Parsons : (*a*) Yes. There will be an examination next January.

(*b*) The recruitment is being carried out under the regulations published in the Government of India Railway Department's Resolution No. 4048-E., dated the 6th July 1927. The examinations prescribed by the regulations were held by the Public Service Commission on 28th November 1927. The representation of minority communities, including Sikhs, is secured by a provision in the regulations that one-third of the vacancies will be reserved for the redress of marked communal inequalities by nomination from among candidates who have attained the qualifying standard at the examinations.

(*c*) There are at present 2 Sikhs in the Indian Railway Service of Engineers and one in the Traffic Department of the Superior Revenue Establishment of State Railways. As has been stated, the regulations provide for the reservation of one-third of the vacancies to redress marked communal inequalities provided properly qualified candidates from the communities concerned are available as a result of the examination.

ADMISSION OF SIKH STUDENTS TO THE COLLEGE OF MINES IN DHANBAD.

416. ***Sardar Kartar Singh** : (*a*) Is it a fact that a College of Mines has been opened at Dhanbad ?

(*b*) While admitting students do the Government recruit a proportionate number of candidates from each community and Province every year ? If not, why not ?

(*c*) How was the recruitment made last year and how many Sikhs were admitted ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) and (*c*). The attention of the Honourable Member is drawn to the reply given on the 12th March 1928 by the Honourable Sir Bhupendra Nath Mitra to question No. 407 asked by Mr. Mukhtar Singh on the same subject. Eight Sikh students were admitted to the School last year.

NUMBER OF SIKH SUPERINTENDENTS AND ASSISTANTS IN THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

417. ***Sardar Kartar Singh** : (*a*) Will the Government kindly refer to the answer to question No. 663 on the 3rd September, 1925, and say how many Sikhs have so far been appointed in each office in these grades ?

(*b*) Is it a fact that no Sikh was passed in the First Division in the last examination held by the Public Service Commission to bring their number up to the standard ?

The Honourable Mr. J. Crerar : (*a*) A statement is being placed in the Library.

(*b*) None of the qualified candidates were Sikhs.

NUMBER OF SIKHS APPOINTED TO THE POLITICAL DEPARTMENT.

418. ***Sardar Kartar Singh** : How are the appointments in the Political Department filled up ? Will the Government please state the number of Muhammadans and Sikhs appointed in this line since 1925 ?

Sir Denys Bray : Appointments to the Political Department are made by His Excellency the Viceroy by selection from members of the Indian Civil Service and of the Indian Army holding the King's Commission, and also the Provincial Civil Service in cases of special merit.

Seven Muslims and one Sikh have been appointed since January 1925.

NUMBER OF HINDUS, MUHAMMADANS AND SIKHS EMPLOYED IN THE OFFICES OF THE POSTMASTER GENERAL, PUNJAB AND N. W. F. CIRCLE, AND THE DEPUTY POSTMASTER GENERAL, RAILWAY MAIL SERVICE, AMBALA.

419. ***Sardar Kartar Singh** : (*a*) With reference to answer to question No. 513, dated the 18th February, 1927, will the Government please state what steps they have taken to increase the number of Sikhs in those offices ?

(*b*) How many vacancies occurred up till now and how many Sikhs have been taken in each office ?

The Honourable Mr. A. C. McWatters : The information asked for by the Honourable Member is being collected and will be furnished to him in due course.

SIKH INSPECTORS IN THE RAILWAY MAIL SERVICE IN THE PUNJAB.

420. ***Sardar Kartar Singh** : In view of the fact that there are very few Sikh Inspectors in the R. M. S. in the Punjab, will the Government please state how many vacancies in this cadre occurred since January last and how many Sikhs have been recruited ?

The Honourable Mr. A. C. McWatters : Six vacancies occurred, and one of them was filled by a Sikh.

TOWN INSPECTORS OF POST OFFICES IN THE PUNJAB CIRCLE.

421. ***Sardar Kartar Singh** : What is the total number of Town Inspectors of Post Offices in the Punjab Circle and how many of them are Muhammadans, Hindus and Sikhs ?

The Honourable Mr. A. C. McWatters : The total number of Town Inspectors in the Punjab Postal Circle is 15. Of these, 2 are Muhammadans, 11 are Hindus and 1 is a Sikh.

EMPLOYMENT OF SIKHS IN THE SURVEY OF INDIA.

422. ***Sardar Kartar Singh** : (*a*) What is the total number of Superintendents, Assistant Superintendents, and Extra Assistant Superintendents in the Survey of India Department and how many of them are Anglo-Indians, Muhammadans, Hindus and Sikhs ?

(*b*) Is it a fact that a couple of Muhammadans were appointed as Probationary Extra Assistant Superintendents on a communal basis ?

(*c*) Is it a fact that there is no Sikh in this service ?

(*d*) Do Government propose to take as many Sikhs in future vacancies alike Muhammadans as will give them their full representation in this service ?

Mr. G. S. Bajpai : (*a*) A statement giving the information required has been laid on the table of the House.

(*b*) Two Muhammadans were appointed last year to secure the representation of minority communities. No Sikh was selected as none of the three who appeared for the examination qualified.

(*c*) Yes.

(*d*) Government will consider the claims of Sikhs in conformity with the standing orders on the subject of communal representation in the services.

Statement giving information regarding the number of Superintendents, Assistant Superintendents and Extra Assistant Superintendents in the Survey of India Department.

—	Europeans.	Anglo-Indians.	Hindus.	Muhammadans.	Sikhs.	Total.
Superintendents	21	10	3	..	..	34
Assistant Superintendents ..	13	..	..	..	..	13
Extra Assistant Superintendents ..	..	51	30	9	..	90
Total ..	34	61	33	9	..	137

EMPLOYMENT OF SIKH SUPERINTENDENTS IN THE RAILWAY MAIL SERVICE.

423. ***Sardar Kartar Singh** : Is it a fact that out of 19 R. M. S. Superintendents in India there is no Sikh ? Do Government propose to appoint Sikhs in future vacancies ?

The Honourable Mr. A. C. McWatters : The reply to the first part of the question is in the negative. Qualified Sikhs will be considered with other candidates in filling future vacancies.

NUMBER OF APPOINTMENTS MADE BY THE PUBLIC SERVICE COMMISSION, ETC.

424. ***Sardar Kartar Singh** : (*a*) Will Government please lay on the table a statement showing all the appointments made so far by the Public Service Commsision since its creation ?

(*b*) Will the Government kindly show in the statement the number of vacancies offered to the members of the Muhammadan, Christian and Sikh communities separately in each grade along with other communities ?

The Honourable Mr. J. Crerar : I think my Honourable friend is under some misapprehension as to the position. In the first place, the functions of the Public Service Commission extend only to making recommendations for appointments. The actual appointments are made by Government. In the second place, the responsibility for preventing the preponderance of any one class or community rests with the appointing authority and not with the Public Service Commission, who give preference to candidates of minority communities only when they have instructions to do so.

I have, however, obtained from the Commission statements which give an analysis of the results of the various examinations held by them and of the nominations made by them, and I shall be glad to send the Honourable Member a copy of these statements if he so desire.

SUPPLEMENTARY LIST OF PASSED CANDIDATES ISSUED BY THE PUBLIC SERVICE COMMISSION.

425. ***Sardar Kartar Singh** : (*a*) Is it a fact that the Public Service Commission issued a supplementary list of passed Muslim candidates ?

(*b*) How many Indian Christians and Sikhs were passed by the Public Service Commission on a communal basis at that time or afterwards ?

(*c*) If the reply to (*b*) be in the negative, do Government propose to issue a supplementary list of passed candidates from Indian Christians and Sikhs to ensure their adequate representation like Muhammadans ? If not, why not ?

The Honourable Mr. J. Crerar : I understand the Honourable Member's question relates to recruitment to the Government of India Secretariat. The answers are :

(*a*) Yes.

(*b*) None.

(*c*) Government will ask the Public Service Commission to furnish a limited supplementary list of Indian Christians and Sikhs if and when the need arises.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE RAILWAY BOARD.

426. ***Sardar Kartar Singh** : (*a*) Will the Government please say why the Railway Board has been permitted to recruit its own staff in the upper, lower and third divisions of the ministerial establishment and why it does not take the help of the Public Service Commission which is the recruiting agency ?

(*b*) How many Sikhs have been entertained in this office since January 1927 as against Muhammadans and Hindus ?

Mr. A. A. L. Parsons : (*a*) Much of the work in the Railway Board's office is of a technical nature, and it is therefore necessary that the Railway Board should be free to recruit qualified staff from Railways.

(*b*) 1, 14 and 11 respectively.

THE BUTARI-PATTI-LAHORE RAILWAY.

427. ***Sardar Kartar Singh** : (*a*) Will the Government please state if the Railway Board has received the project report and estimates of the proposed Butari-Patti-Lahore Railway from the North-Western Railway and come to any decision in regard to the construction of the line ?

(*b*) If so, will they communicate its decision to the House ?

or

(*c*) Will the Government be pleased to state what progress has been made in the construction of the Butari-Patti-Lahore Railway ?

Mr. A. A. L. Parsons : The project report and traffic estimate are expected by the Railway Board in October and it will then be decided whether the line should be taken up.

EMPLOYMENT OF SIKHS IN CLERICAL APPOINTMENTS IN THE POST OFFICE.

428. ***Sardar Kartar Singh** : Is it a fact that about two years ago the Government issued orders that in recruiting candidates for clerical appointments in the Post Office special consideration should be given to the minority communities ? If it is so, is it a fact that the minority community in the Punjab is the Sikhs, and is it a fact that Muhammadans are specially given every third vacancy in a Division in order to carry out the Government orders ?

The Honourable Mr. A. C. McWatters : The Honourable Member presumably refers to general orders which were issued by the Government of India in the Home Department which provided that, in recruiting for the clerical establishments of the Government of India Secretariat and offices subordinate thereto, there should be a reservation of one-third of all permanent vacancies for the redress of communal inequalities. These orders have been circulated and effect is being given to them in the Posts and Telegraphs Department. It is a fact that the Sikh community is one of the minority communities in the Punjab. The local arrangements for recruitment in the Posts and Telegraphs Department are as understood by the Honourable Member, but the whole question is being re-examined and the Honourable Member will be advised in due course of the orders issued in connection with it.

EMPLOYMENT OF SIKHS AS PROBATIONERY SUPERINTENDENTS OF POST OFFICES.

429. ***Sardar Kartar Singh** : (*a*) Is it a fact that ordinarily graduates are entertained in the Post Office as Probationary Superintendents ?

(*b*) If so, for what services was one Mr. S. N. Sahibzada, a matriculate, taken on as a Probationary Superintendent in the Punjab in February last ?

(*c*) Do Government propose to take a Sikh similarly in the next vacancy ? If not, why not ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Though Sahibzada Syed Mahmood is not a graduate he was considered specially suitable for the appointment on the grounds of his personal qualifications and good general education.

(*c*) The matter rests with the Director-General of Posts and Telegraphs, with whose discretion Government are not prepared to interfere.

EMPLOYMENT OF SIKHS AS SUPERINTENDENTS IN THE RAILWAY MAIL SERVICE.

430. ***Sardar Kartar Singh** : (*a*) Do Government propose to take a Sikh in the next first vacancy in the R. M. S. Superintendentship in view of the fact that there is none in this service ?

(*b*) If not, why so ?

Mr. P. G. Rogers : (*a*) It is not a fact that there is no Sikh Superintendent in the Railway Mail Service.

(*b*) Does not arise.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE CHIEF AUDITOR, NORTH-WESTERN RAILWAY.

431. ***Sardar Kartar Singh** : (*a*) Will the Government please refer to an advertisement by the Chief Auditor, North-Western Railway, Lahore, dated the 24th July 1928, in the *Tribune*, dated the 5th August 1928, inviting applications from Muhammadans only ignoring the fact that the Sikh representation in his office is equally small and they form the minority ?

(*b*) If the reply to (*a*) be in the affirmative, do Government propose to issue orders that in future vacancies the Sikhs should be recruited until they are adequately represented ? If not, why not ?

(*c*) Are Sikhs sufficient in number in that office ?

(*d*) Will Government be pleased to place on the table a statement stating the reasons why Sikhs are not recruited in that office ?

The Honourable Sir Bhupendra Nath Mitra : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

APPEAL OF MR. SHER SINGH, LATE CLERK, POST OFFICE, PESHAWAR.

432. ***Sardar Kartar Singh** : (*a*) Will the Government be pleased to state if Mr. Sher Singh, late clerk, Post Office, Peshawar, submitted on the 21st May 1928 an appeal addressed to the Director-General, Posts and Telegraphs, India ?

(*b*) Is it a fact that the said appeal was withheld by the Postmaster-General, Punjab, *vide* his No. X. F. S.-13|N., dated the 12th June 1928, on the ground that the language of the appeal was disrespectful and improper ?

(*c*) Will the Government be pleased to point out the portions of the appeal taken exception to by the Postmaster-General ?

(*d*) Is it a fact that Mr. Sher Singh, late clerk, Peshawar Post Office, alleged in his appeal, dated 21st May 1928, that the Postmaster, Peshawar, concocted a case against him with the help of some of his subordinates in order to win a reward and to get money from the person involved by unfair means ?

(*e*) Is it a fact that Mr. Sher Singh alleged in the same appeal that the Postmaster, Peshawar, within a few months of his taking over charge dismissed more than half a dozen officials with certain motives in view ?

(*f*) If the reply to (*e*) above is in the affirmative, will the Government be pleased to state the names of the postal officials removed and the names of those out of them who appealed to the Postmaster-General and were reinstated in their posts ?

(*g*) Is it a fact that Mr. Sher Singh stated in his said representation that the present Postmaster at Peshawar was twice reverted from a Superintendentship on account of his unfitness and misconduct ?

(*h*) If the reply to (*g*) above is in the affirmative, will the Government be pleased to state the particulars of cases in which the said Postmaster was involved and the name of the Postmaster-General who reported his misconduct to the Government ?

(*i*) Is it a fact that the said Mr. Sher Singh stated in his representation that the present Postmaster, Peshawar, visited 19 places out of which 16 places were visited without the permission of superior authority ?

(*j*) If the answer to (*i*) is in the affirmative, will the Government be pleased to state the 19 stations referred to in the question and the particulars of the 16 places to which the Postmaster went on private trips without leave ?

(*k*) In case the Postmaster went to all the places referred to above with due authority, will the Government be pleased to lay on the table the leave orders in respect of each occasion of absence ?

(*l*) Is it a fact that the said Mr. Sher Singh stated in his representation that on all the visits referred to above the mail contractor's car was used free of charge ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). Yes.

(*c*) Government have not seen the appeal.

For the rest the Government see no reason to question the discretion of the Postmaster General in withholding the appeal, which he has reported was couched in most disrespectful and improper language. Mr. Sher Singh has been informed that he should submit an appeal couched in clear, concise and respectful language. No such appeal has been received and in the circumstances the Government are not in a position to deal with the further points raised in the question, nor do they consider any enquiries necessary in such cases where the normal procedure for the representation of grievances has not been adopted.

TOWN INSPECTOR OF POST OFFICES, PESHAWAR.

433. ***Sardar Kartar Singh** : (*a*) Will the Government be pleased to state the length of service of the present Town Inspector, Peshawar, and the particulars of the postal branches in which he worked during his service ?

(*b*) Is it a fact that the present Town Inspector of Peshawar did not work in any branch of the post office except as a typist prior to his appointment as Town Inspector ?

(*c*) Is it a fact that one Mr. Sher Singh, late clerk, Peshawar Post Office, stated in his representation to the Director-General that half of the excess drawn by this undeserving official was appropriated monthly by the present Postmaster, Peshawar ?

(*d*) Is it a fact that the permanent pay of the present Town Inspector was Rs. 60 on his appointment as Town Inspector and that he began to draw Rs. 160 from the date of his officiating appointment ?

(*e*) Will the Government be pleased to state if they propose making any enquiries into this serious allegation against the conduct of the present Postmaster ?

The Honourable Mr. A. C. McWatters : Government have no information and, in the circumstances explained in my answer to question No. 432, do not consider it necessary to make any enquiries.

REPRESENTATION FROM MR. PESHAWARI MALL, LATE TOWN INSPECTOR OF POST OFFICES, PESHAWAR.

434. ***Sardar Kartar Singh** : (*a*) Is it a fact that Mr. Peshawari Mall, late Town Inspector, Peshawar, attached a statement with his representation to the Postmaster-General, Punjab, showing details of borrowings of the present Postmaster, Peshawar, from Mr. Peshawari Mall ?

(*b*) Is it a fact that these transactions include borrowing of hard cash and details of articles purchased for household use ?

(*c*) Is it a fact that Mr. Peshawari Mall stated in his said representation that the Postmaster, Peshawar, evaded payment of his dues and that his demand for his money resulted in his transfer from the post of Town Inspector ?

(*d*) Is it a fact that Mr. Peshawari Mall stated in his representation that he was made to pay a sum of Rs. 54 by the present Town Inspector, Mr. Acharaj Ram, a most junior official ?

(*e*) Is it a fact that Mr. Peshawari Mall sent a list of witnesses to prove his allegations but those witnesses were never examined by the Deputy Postmaster-General although he visited Peshawar twice in this connection ?

(*f*) Will the Government be pleased to place on the table the statements recorded, if any, by the Deputy Postmaster-General connected with enquiries into the allegations set forth by Mr. Peshawari Mall in his representation ?

(*g*) Will the Government be pleased to state the result of the enquiries by the Deputy Postmaster-General on which his finding was based keeping in view the fact that no statements were recorded nor were any witnesses examined ?

The Honourable Mr. A. C. McWatters : The Government have not received any representation from Mr. Peshawari Mall to whom it is open to utilise the usual departmental procedure if he has any grievance.

In the circumstances Government are unable to answer the Honourable Member's questions, nor do they consider any special enquiries necessary.

PAYMENT OF RENT FOR THE BUILDING OCCUPIED BY THE OLD CITY POST OFFICE, PESHAWAR, AFTER ITS VACATION.

435. ***Sardar Kartar Singh** : (*a*) Is it a fact that the Peshawar City Post Office was shifted to a new building in the year 1927-28 and, if so, from what date ?

(*b*) Is it a fact that the charge of the old City Post Office building was not personally given over to the owner by the Postmaster, Peshawar, resulting in loss of and damage to several articles belonging to the owner ?

(*c*) Is it a fact that the Government had to set right the damages and to pay for the articles lost and, if so, will the Government be pleased to state the total expenditure incurred in this connection ?

(*d*) Will the Government be pleased to state the rent of the new and old Peshawar City Post Office building and is it a fact that from the date of occupation of the new building the rent of the old vacated building is also being paid by the Government ?

(*e*) Will the Government be pleased to state the aggregate amount that will have to be paid for the old building from the date it was vacated ?

(*f*) Will the Government be pleased to state if according to the terms of lease the old City Post Office building could be vacated after a month's notice without being liable for payment of rent for the unexpired period of lease ?

(*g*) If the reply to part (*f*) of the question is in affirmative, will the Government be pleased to state the reasons for which the Peshawar City Post Office old building was not finally vacated and payment of rent stopped ?

(*h*) Will the Government be pleased to state if the old Peshawar City Post Office building was sublet to the proprietor of the building at a monthly rent of Rs. 40 and, if so, from what date ?

(*i*) Is it a fact that the Postmaster, Peshawar, reported to the Post-master-General that the rent of the old building could not be assessed beyond Rs. 35 against Rs. 135 paid by the Government and that the offer of Rs. 35 was the highest except that it was the proprietor only who offered Rs. 40 in order to take back the possession of the building and to be paid Rs. 95 a month extra for nothing by the Government ?

(*j*) In view of the fact stated above, do Government propose to stop the payment of rent for the old building since it was vacated ?

Mr. P. G. Rogers : The information is being collected and will be furnished to the Honourable Member in due course.

RENT FOR THE BUILDING OCCUPIED BY THE NEW POST OFFICE, PESHAWAR SUDDER BAZAR.

436. ***Sardar Kartar Singh** : (*a*) Will the Government be pleased to state the date on which the new Post Office, Peshawar Sudder Bazar, was opened ?

(*b*) Will the Government be pleased to ascertain and state the rent of the building prior to its occupation by the Post Office as entered in the office of the Executive Officer, Peshawar, and for which house-tax was being paid ?

(*c*) Is it a fact that the rent of the two shops now converted into one by demolition of the partition wall was Rs. 14 a month against Rs. 30 paid by the Post Office ?

(*d*) Will the Government be pleased to state if there was any justification for doubling the rent for the simple reason that the proprietor had to make small alterations and repairs at a cost not exceeding Rs. 300 ?

(*e*) Is it a fact that the proprietor of the building presented to the Postmaster, Peshawar, a billiard table the cost whereof appears debited to the account of the proprietor and, if so, was it permissible to accept it ?

The Honourable Mr. A. C. McWatters : The information is being collected and will be furnished to the Honourable Member in due course.

ALLEGED USE FOR PRIVATE PURPOSES OF THE SERVICES OF POSTAL OFFICIALS BY THE POSTMASTER, PESHAWAR.

437. ***Sardar Kartar Singh** : (*a*) Is it a fact that the Director General, Posts and Telegraphs, had to issue a warning to his subordinates to the effect that drastic action will be taken against officers using postal officials for their private services ?

(*b*) Is it a fact that the representation of Mr. Sher Singh, late clerk, Peshawar H. O., and the appeals of Mr. Peshawari Mall and Ram Lal and Ghulam Hussain, Postman, Peshawar Post Office, contained allegations to the effect that Dheru and Azadmir, the whole time inferior servants of the Post Office, are being used by the Postmaster, Peshawar, as private servants, the former as a bearer and the latter as a motor driver ?

(*c*) Is it a fact that Azadmir, one of the two persons named above, was paid Rs. 15 per mensem by the contractor for motor driving service and this sum was accepted by the said official with the knowledge of the Post-master and without the permission of the competent authority ?

(*d*) Is it a fact that Sher Singh alleged in his representation, dated 21st May 1928, that the said Azadmir conveyed mails on motor to six stations during the months of February and March 1928 without obtaining leave on the dates stated in the allegation and that the signature of Azadmir is affixed to the mail list of the officers which supports the allegation ?

(*e*) In view of the facts stated above, will the Government be pleased to state the action they propose to take against the Postmaster, Peshawar, in the matter ?

The Honourable Mr. A. C. McWatters : As regards (*a*) it is a fact that the Director-General issued a warning to the effect mentioned by the Honourable Member.

For the rest, as regards the representation of Mr. Sher Singh, I would refer the Honourable Member to the answer given to his question No. 432. No appeals have been received by the Government of India from Mr. Peshawari Mall, Ram Lal and Ghulam Hussain, and the Government are not accordingly in possession of the facts concerning the

points mentioned by the Honourable Member, nor do they consider it necessary to make special enquiries when the persons concerned have not themselves exhausted the ordinary procedure prescribed for representing grievances.

GOVERNMENT SERVANTS AND MEMBERSHIP OF THE ANGLO-INDIAN ASSOCIATION.

438. ***Sardar Kartar Singh** : (*a*) Is it a fact that the All-India Anglo-Indian Association is one of the political associations in India like the Muslim League and the Hindu Sabha ?

(*b*) Is it a fact that a meeting of the Anglo-Indian Association was held in Calcutta in connection with the Simon Commission and other political rights of the Anglo-Indian community ?

(*c*) Is it a fact that Government servants are forbidden either from being the office bearers of such political associations or from taking any active part except on behalf of the Government ?

(*d*) Is it a fact that the present Postmaster, Peshawar, is the Secretary of the local branch of the All-India Anglo-Indian Association and that he took an active part in the deliberations of the Calcutta meeting referred to above ?

(*e*) If the reply to part (*d*) of the question is in the affirmative, will the Government be pleased to state the action they propose to take against the present Postmaster, Peshawar ?

The Honourable Mr. A. C. McWatters : (*a*) So far as the Government of India are aware the Anglo-Indian Association has been constituted mainly as an aid to the moral and material progress of the community. I would in this connection draw the attention of the Honourable Member to the reply given by Sir Malcolm Hailey on the 8th March 1924 to Mr. B. C. Roy's question No. 611.

(*b*) The Government of India understand that meetings of the Association were held to consider among other things the preparation of a memorandum for presentation to the Indian Statutory Commission.

(*c*) I would refer the Honourable Member to rules 22 and 23 of the Government Servants' Coduct Rules.

(*d*) Government have no information and do not consider enquiry necessary.

(*e*) Does not arise.

APPOINTMENT OF MR. RAM LAL AS AN ACCOUNTANT IN THE PESHAWAR POST OFFICE.

439. ***Sardar Kartar Singh** : (*a*) With reference to the reply to starred question No. 31 by Mr. B. P. Naidu in September 1927 Session, will the Government be pleased to state whether the seniority referred to in the reply means seniority of position in the gradation list in the same cadre irrespective of date of passing the examination ?

(*b*) Is it a fact that Government do not allow supersession by juniors in the same Postal Clerical Cadre on the plea of priority in passing the accountants examination ?

(*c*) Is it a fact that Mr. Gayan Chand, one of the most senior clerks in the Peshawar Post Office, worked in the Accounts Branch for nearly 15 years and gave satisfaction in his work ?

(*d*) Is it a fact that Mr. Gayan Chand passed the accountants' examination in 1927 creditably and one Mr. Ram Lal passed in 1926 with grace marks ?

(*e*) Is it a fact that the said Mr. Ram Lal is a very junior official and worked in the Accounts Branch under Mr. Gayan Chand and was trained by the latter ?

(*f*) Is it a fact that in defiance of the Government orders referred to in reply to the question quoted above the Postmaster, Peshawar, appointed Mr. Ram Lal as accountant in 1928 and kept Mr. Gayan Chand to work under him without declaring the latter as inefficient ?

(*g*) Will the Government be pleased to state if in 1928 there was any other certificated accountant in the Peshawar Post Office senior to Mr. Ram Lal available to be posted as accountant ?

(*h*) In view of the unjustified supersessions of seniors by juniors in the same cadre by some officers of the department for want of communication of Government orders to them officially, do Government propose to communicate these orders by a General Letter to all Superintendents and 1st Class Postmasters to protect the interests of senior men ?

The Honourable Mr. A. C. McWatters : (*a*) Seniority means seniority of position in the gradation list.

(*b*) Yes.

(*d*) Yes.

(*e*) Yes.

(*c*), (*f*), (*g*) and (*h*). The information is being collected and will be furnished to the Honourable Member when received.

APPOINTMENT OF POSTAL CLERKS AS TOWN INSPECTORS OF POST OFFICES.

440. ***Sardar Kartar Singh** : (*a*) With reference to reply to unstarred question No. 124 of last March Session, will the Government be pleased to state the pay of postal clerks before and after their appointments as Town Inspectors in the revised scale of Rs. 160—250 in 1927 as also the difference between the two pays referred to above separately in each case ?

(*b*) Is it a fact that if clerks on a substantive pay of Rs. 145 were appointed Town Inspectors in the Rs. 160—250 grade the additional cost to Government would have been far less than what it has been by the appointment of junior postal clerks as Town Inspectors ?

(*c*) In view of these circumstances, do Government propose to appoint the senior deserving officials without waiting for the result of 1st selection grade examination in order to reduce the cost to the Government and to do justice to the senior officials ?

The Honourable Mr. A. C. McWatters : (*a*) A statement giving the information will be furnished to the Honourable Member.

(*b*) It is possible that in the circumstances mentioned by the Honourable Member there might have been some saving in cost.

(*c*) Government are not prepared to alter the existing arrangement pending the results of the first selection grade examination.

PROVISION OF A MOTOR GARAGE IN THE PREMISES OF THE POST OFFICE, PESHAWAR, ETC.

441. ***Sardar Kartar Singh** : (*a*) Is it a fact that the map of the Peshawar Head Post Office does not show any provision for a motor garage in the premises of the Post Office ?

(*b*) Is it a fact that a room adjacent to the Postmaster's quarters is being used as a motor garage ?

(*c*) Is it a fact that the present Postmaster fitted doors to the said garage and that the cost thereof was borne by the owner of Peshawar City Post Office new building in whose accounts the said expenditure would be found debited ?

(*d*) Will the Government be pleased to state if the conduct of the Postmaster, Peshawar, in this respect was objectionable and, if so, what action they propose to take in the matter ?

Mr. P. G. Rogers : The information asked for by the Honourable Member is being obtained and will be furnished to him in due course.

REMARKS OF PROFESSOR REILEY REGARDING NEW DELHI.

445. ***Mr. Gaya Prasad Singh** : Are Government aware that Professor Reiley, who recently visited India to study the architecture of Delhi, told a gathering of Manchester Rotarians that " none wanted New Delhi ", and he " severely criticised the New Parliament House, which was not comparable with the original design, and suggested a gasometer " (*vide* the *Englishman*, dated the 30th July 1928, page 7) ?

The Honourable Mr. A. C. McWatters : Yes.

THE AGE OF CONSENT COMMITTEE.

446. ***Mr. M. K. Acharya** : (*a*) Will the Government be pleased to state :

(*i*) the purpose for which the Age of Consent Committee has been appointed ;

(*ii*) the special qualifications, if any, of its members ;

(*iii*) whether any representations have been received from the Presidency of Madras or elsewhere, requesting the Government to nominate as member a representative of orthodox Hindu opinion on it ;

(*iv*) and if the answer to clause (*iii*) be in the affirmative, why the Government have not chosen to accede to the request ?

(*b*) Will the Government be pleased to state whether the Chairman of the said Committee, at a recent public meeting held at Simla, spoke strongly in favour of the proposed marriage reform legislation and strongly also deprecating orthodox opposition to it ?

The Honourable Mr. J. Crerar : (*a*) The Home Department Resolution No. F.-382 27, dated the 25th June 1928, a copy of which has been placed in the Library, states the terms of reference to the Committee and also the qualifications of the members. Government have received representations asking for the nomination of a representative of orthodox Hindu opinion, and have accordingly appointed Rai Bahadur Pandit Kanhaiya Lal.

(*b*) Government understand that the answer to this part of the question is in the negative.

APPOINTMENT OF A SIKH AS A JUDGE OF THE HIGH COURT, LAHORE.

447. ***Sardar Kartar Singh** : In view of the fact that no Sikh has ever been appointed as High Court Judge in the Punjab, do Government propose to appoint a Sikh in the next vacancy ?

The Honourable Mr. J. Crerar : Permanent appointments to the High Courts are made by His Majesty under section 101 of the Government of India Act. Courts of justice are not representative institutions, and the main consideration in filling up vacancies in high judicial appointments must always be that of efficiency. Subject to this the claims of Sikhs no less than those of members of other communities receive and will continue to receive due consideration.

PROVISION FOR ORPHANS AND WIDOWS OF GOVERNMENT SERVANTS OTHER THAN MEMBERS OF INDIAN CIVIL SERVICE.

448. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (*a*) Have Government framed any rules to provide maintenance to orphans and widows of Government servants, other than members of I. C. S., who die in harness ? If so, will the Government be pleased to lay them on the table ?

(*b*) Do Government propose to take steps to provide rules for granting maintenance by grant of pension or otherwise on proper lines to the said orphans and widows ?

The Honourable Sir Bhupendra Nath Mitra : A Family Pension Fund has recently been instituted for pensionable European and Anglo-Indian members of the superior civil services other than the Indian Civil Services.

The benefits derivable from this Fund in the way of family pension will, it is intended, be provided by the subscriptions of the members of the Fund themselves. The rules of the Fund were published in the Gazette of India, Part I, dated the 25th of August 1928, a copy of which will be found in the Library. Another scheme which has a similar object in view and which would apply to other categories of Government servants employed under the Governor General in Council is at present under the consideration of the Government of India. Detailed calculations connected therewith are being prepared by the Government Actuary and are nearly ready. The leading feature of the particular scheme to which I refer is that provision should be made for the dependants of Government servants by substituting payments of lump sums for the whole or a portion of the pension which is being earned.

ARTICLE IN THE *Times of India* REGARDING THE FOUNDER OF ISLAM.

449. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (*a*) Are Government aware that in an issue of June last, the English paper *Times of India* wrote contemptuously against the Founder of Islam, by which the feelings of His Majesty's Muslim subjects have been disturbed ?

(*b*) Have Government taken any action against the paper ? If not, what steps do Government propose to take to bring the paper to its senses ?

The Honourable Mr. J. Crerar : (*a*) Nothing of the sort has come to the notice of the Government of India.

(*b*) Does not arise.

EMPLOYMENT OF MUSLIMS IN THE INDIAN FOREST SERVICE.

450. ***Khan Bahadur Makhdum Syed Rajan Baksh Shah** : (*a*) Will the Government please state the total number of employees in each of the provinces in the Imperial Forest Service and how many of them are Muhammadans ?

(*b*) Will the Government please state whether any action is being taken by them to maintain the communal rights of the Muslims by putting the number of Muhammadans in the above service up to the mark ?

Mr. G. S. Bajpai : (*a*) A statement giving the information required regarding the Indian Forest Service has been laid on the table of the House.

(*b*) A number of vacancies are reserved to be filled by nomination for the purpose of adjusting communal inequalities which may arise as a result of the competitive examination which is the principal avenue for recruiting for the Indian Forest Service. In this connection, I would invite the Honourable Member's attention to the statement made by the late Sir Alexander Muddiman in the Council of State on the 2nd March 1925.

Statement showing the number of Indian Forest Service officers and Muslim Indian Forest Service officers in service on 1st January 1928.

Province.	Muslim I. F. S. officers.	Total Indian I.F.S. officers.	Total I. F. S. officers.
Madras	2	24	56
Bombay	..	7	28
Bengal	2	8	22
United Provinces	1	11	36
Punjab	3	13	33
Bihar and Orissa	..	7	16
Burma	..	11	95
Central Provinces	1	11	34
Assam	..	1	11
Total ..	9	93	332

ENHANCEMENT OF PENSIONS OF MEMBERS OF THE INDIAN MEDICAL DEPARTMENT.

452. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will Government please state if it is a fact that, in the early part of 1925, when Lord Birkenhead, Secretary of State for India, sanctioned the proposal submitted by the Government of India to enhance the pensions of departmental officers, he did so on the express condition that the Indian Medical Department be included in this scheme along with the other Departments ?

(*b*) If the reply is in the affirmative, will Government kindly state why the orders of the Secretary of State were not carried out ?

Mr. G. M. Young : (*a*) No, Sir.

(*b*) Does not arise.

PROBATIONARY ASSISTANT TRAFFIC SUPERINTENDENTS ON THE BURMA RAILWAYS.

453. ***Lieutenant-Colonel H. A. J. Gidney** : Will Government be pleased to state :

(*a*) the number of probationary Assistant Traffic Superintendents recently recruited by the Burma Railways through advertisements in the papers ?

(*b*) the qualifications and nationality of those who were accepted and entertained ?

(*c*) the number of Anglo-Indians who applied for these posts and their respective qualifications ?

(*d*) if any Anglo-Indians were asked to appear before the Selection Board ? If so, how many ? If not, why not ?

Mr. A. A. L. Parsons : I am making enquiries and will communicate the result to the Honourable Member.

TIME SCALE OF PAY FOR THE NINE TRANSPORTATION OFFICERS OF THE OLD OUDH AND ROHILKHAND RAILWAY TRANSFERRED TO THE EAST INDIAN RAILWAY.

454. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will Government be pleased to state if it is a fact

(*i*) that there are 9 Transportation Inspectors belonging to the old Oudh and Rohilkhand Railway, who have been absorbed into the East Indian Railway after the amalgamation of the two Railways and who are borne on graded pay ?

(*ii*) that on all Class I Railways these are the only 9 Inspectors who are still on graded pay ?

(*iii*) that all or some of these 9 Inspectors have specially been selected as Instructors in the Transportation School, Chandausi ?

(*iv*) that the Government is considering the introduction of a new scale of pay for these men which will not materially benefit them ?

(*b*) Do Government propose to take early steps to remedy this inequitable condition and introduce a more beneficial time scale of pay with an efficiency bar as obtains in other Government Departments ?

Mr. A. A. L. Parsons : The information will be collected from Railway Administrations, and will be communicated to the Honourable Member when it is ready.

INTRODUCTION OF A SYSTEM OF RE-EXAMINATION OF THE STAFF ON THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

455. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Is it a fact that great discontent and dissatisfaction prevail on the Oudh and Rohilkhand Railway section of the East Indian Railway on account of the newly introduced system of re-examination of the staff which is demanded, before promotion to higher grades is allowed, in duties they have been performing for many years and for which these men possess certificates of having passed the Oudh and Rohilkhand Railway examinations ? If so, why has this system been introduced ?

(*b*) Do Government propose to take any action to remedy this ? If not, why not ?

Mr. A. A. L. Parsons : (*a*) The Honourable Member has been misinformed. The true facts are that it is only in exceptional cases when there are indications that a man is working inefficiently that he is required to pass another test in the interests of public safety.

(*b*) Government do not, therefore, propose to take any action.

PROMOTION OF EMPLOYEES OF THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

456. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Is it a fact that as the higher grade appointments especially in the Loco. Department of the Oudh and Rohilkhand Railway section of the East Indian Railway fall vacant they are offered to the men from the East Indian Railway section ?

(*b*) Is it a fact that the rights and claims of even the most senior and deserving men of the Oudh and Rohilkhand Railway section are thereby ignored ?

(*c*) If so, do Government propose to take any steps to safeguard the interests of the Oudh and Rohilkhand Railway section employees so that all such vacancies occurring in the Oudh and Rohilkhand Railway section be given to the Oudh and Rohilkhand Railway section men ?

Mr. A. A. L. Parsons : It is not a fact that no staff of the former Oudh and Rohilkhand Railway have been promoted to the higher grades on this section since its amalgamation with the East Indian Railway. In fact a considerable number of former Oudh and Rohilkhand Railway men in the locomotive subordinate supervising staff have been transferred to former East Indian Railway areas to their financial benefit. Difficulty is experienced in getting suitable senior locomotive running staff of the former Oudh and Rohilkhand Railway to take up subordinate supervising posts even on this section owing to their mileage rates being so favourable as to render them liable to financial loss should they make the change.

Government cannot agree to the suggestion that all vacancies occurring in subordinate supervising posts on the former Oudh and Rohilkhand Railway section should be reserved for men of this Railway. They must be prepared to serve anywhere on the East Indian Railway.

UNSTARRED QUESTIONS AND ANSWERS.

IMPROVEMENT IN THE CONDITIONS OF SERVICE OF MENIALS IN BOMBAY.

266. **Mr. Jamnadas M. Mehta** : Have Government received a petition from the Government Peons, and Menial Service Union of Bombay for an improvement in the conditions of service applicable to this class of public servants ?

If so, will they say (1) when they received the petition, and (2) what action they have taken on it, particularly with regard to the demands of these men for increases in pay and pension ?

The Honourable Sir Bhupendra Nath Mitra : Yes. The Honourable Member's attention is invited to the reply already given to starred question No. 220, asked by Mr. M. R. Jayakar in this Session.

CLAIM AGAINST THE GERMAN GOVERNMENT BY MR. MEHERJI BHICAJI OF PORTUGUESE EAST AFRICA.

267. **Mr. Jamnadas M. Mehta** : (*a*) Is it a fact that one Mr. Meherji Bhicaji, a British Indian subject, carrying on business in Portuguese East Africa, a few years back, had lodged a claim for reparation on the 22nd

(*c*) the number of Anglo-Indians who applied for these posts and their respective qualifications ?

(*d*) if any Anglo-Indians were asked to appear before the Selection Board ? If so, how many ? If not, why not ?

Mr. A. A. L. Parsons : I am making enquiries and will communicate the result to the Honourable Member.

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(*b*) Do Government propose to take any action to remedy this ? If not, why not ?

Mr. A. A. L. Parsons : (*a*) The Honourable Member has been misinformed. The true facts are that it is only in exceptional cases when there are indications that a man is working inefficiently that he is required to pass another test in the interests of public safety.

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(*b*) Is it a fact that the rights and claims of even the most senior and deserving men of the Oudh and Rohilkhand Railway section are thereby ignored ?

(*c*) If so, do Government propose to take any steps to safeguard the interests of the Oudh and Rohilkhand Railway section employees so that all such vacancies occurring in the Oudh and Rohilkhand Railway section be given to the Oudh and Rohilkhand Railway section men ?

Mr. A. A. L. Parsons : It is not a fact that no staff of the former Oudh and Rohilkhand Railway have been promoted to the higher grades on this section since its amalgamation with the East Indian Railway. In fact a considerable number of former Oudh and Rohilkhand Railway men in the locomotive subordinate supervising staff have been transferred to former East Indian Railway areas to their financial benefit. Difficulty is experienced in getting suitable senior locomotive running staff of the former Oudh and Rohilkhand Railway to take up subordinate supervising posts even on this section owing to their mileage rates being so favourable as to render them liable to financial loss should they make the change.

Government cannot agree to the suggestion that all vacancies occurring in subordinate supervising posts on the former Oudh and Rohilkhand Railway section should be reserved for men of this Railway. They must be prepared to serve anywhere on the East Indian Railway.

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If so, will they say (1) when they received the petition, and (2) what action they have taken on it, particularly with regard to the demands of these men for increases in pay and pension ?

The Honourable Sir Bhupendra Nath Mitra : Yes. The Honourable Member's attention is invited to the reply already given to starred question No. 220, asked by Mr. M. R. Jayakar in this Session.

CLAIM AGAINST THE GERMAN GOVERNMENT BY MR. MEHERJI BHICAJI OF PORTUGUESE EAST AFRICA.

267. **Mr. Jamnadas M. Mehta** : (*a*) Is it a fact that one Mr. Meherji Bhicaji, a British Indian subject, carrying on business in Portuguese East Africa, a few years back, had lodged a claim for reparation on the 22nd

July 1919 with the Controller, Local Clearing Office (Enemy Debts), Government of India ?

(*b*) Is it a fact that the claim was in connection with the loss of 150 cases of soap valued at £158-9-8 ordered by the party and shipped by the German s. s. " Etruria " in June 1914 from Lisbon to Lourenco Marques ?

(*c*) Is it a fact that the consignment in question did not reach the party, as owing to the outbreak of the War, the vessel took refuge in Rio de Janeiro and the soap was utilised by the crew of the steamer ?

(*d*) Is it a fact that the claim was ultimately turned down in April 1928 on the ground that the loss of the consignment was not directly due to enemy action and as such it did not give rise to a claim for reparation as defined in the Treaty with Germany ?

(*e*) Will Government be pleased to inform me as to what claims are included in the Treaty with Germany for reparation ?

Mr. L. Graham : The answer to (*a*) is in the affirmative, except that the claim was lodged with H. B. M.'s Consul General, Lourenco Marques, and forwarded by him to the Reparation Claims Department of the Board of Trade.

The answers to (*b*) and (*c*) are in the affirmative.

The answer to (*d*) is in the affirmative, except that the claim was actually rejected on 25th November 1925.

The communication of 21st April 1928 was a reply to an enquiry from the claimant received through the Reparation Claims Department of the Board of Trade as to the fate of his claim.

The answer to (*e*) will be found in Annexure I of Part VIII of the Treaty of Versailles, copy of which is attached.

It will be seen from clause (9) that damage to property must be directly in consequence of hostilities or of any operations of war in order to give rise to a reparation claim.

ANNEXURE I.

Compensation may be claimed from Germany under Article 232 above in respect of the total damage under the following categories :—

(1) Damage to injured persons and to surviving dependents by personal injury to or death of civilians caused by acts of war, including bombardments or other attacks on land, on sea, or from the air, and all the direct consequences thereof, and of all operations of war by the two groups of belligerents wherever arising.

(2) Damage caused by Germany or her allies to civilian victims of acts of cruelty, violence or maltreatment (including injuries to life or health as a consequence of imprisonment, suite deportation, internment or evacuation, of exposure at sea or of being forced to labour, wherever arising and to the surviving dependents of such victims.

(3) Damage caused by Germany or her allies in their own territory or in occupied or invaded territory to civilian victims of all acts injurious to health or capacity to work, or to honour, as well as to the surviving dependents of such victims.

(4) Damage caused by any kind of maltreatment of prisoners of war.

(5) As damage caused to the peoples of the Allied and Associated Powers, all pensions and compensation in the nature of pensions to naval and military victims of war (including members of the air force), whether mutilated, wounded, sick or invalided, and to the dependents of such victims, the amount due to the Allied and Associated Governments being calculated for each of them as being the capitalized cost of such pensions and compensation at the date of the coming into force of the present Treaty, on the basis of the scales in force in France at such date.

(6) The cost of assistance by the Governments of the Allied and Associated Powers to prisoners of war and to their families and dependents.

(7) Allowances by the Governments of the Allied and Associated Powers to the families and dependents of mobilised persons or persons serving with the forces, the amount due to them for each calendar year in which hostilities occurred being calculated for each Government on the basis of the average scale for such payments in force in France during that year.

(8) Damage caused to civilians by being forced by Germany or her allies to labour without just remuneration.

(9) Damage in respect of all property wherever situated belonging to any of the Allied or Associated States or their nationals, with the exception of naval and military works or materials, which has been carried off, seized, injured or destroyed by the acts of Germany or her allies on land, on sea or from the air, or damage directly in consequence of hostilities or of any operations of war.

(10) Damage in the form of levies, fines and other similar exactions imposed by Germany or her allies upon the civilian population.

CLOSING OF THE MALL IN DERA ISMAIL KHAN TO THE INDIAN PUBLIC.

268. **Pandit Hirday Nath Kunzru** : (*a*) Is it a fact that the Mall has been or is proposed to be closed to the Indian public in Dera Ismail Khan ? If so, what are the grounds on which such action has been taken or is under contemplation, and under what law have Indians been discriminated against ?

(*b*) What steps have Government taken to prevent this discrimination ?

Mr. G. M. Young : (*a*) No, Sir.

The Mall Road in Dera Ismail Khan Cantonment has been temporarily closed to the public by the Cantonment Board under the powers vested in them in section 192 of the Cantonments Act owing to the fact that through lack of rain the road surface was breaking up.

An exception was however made in favour of all persons, whether Indian or European, who actually reside on the Mall Road, and who obviously could not be debarred from its use.

(*b*) Does not arise.

PENALISING OF STRIKERS.

269. **Pandit Hirday Nath Kunzru** : Is it a fact that some years ago the Government of India proposed to the Secretary of State for India that strikes should be made a criminal offence but that Lord Morley rejected the proposal ? If so, will Government place a copy of the correspondence on the table ?

Mr. A. A. L. Parsons : I have not been able to trace any such proposal, though in 1906 there was a suggestion that the withdrawal of railway servants from their duties without notice be penalised. Government regret that they are not prepared to lay a copy of the correspondence, which took place at that time, on the table.

EDUCATION OF THE CHILDREN OF RAILWAY EMPLOYEES.

270. **Pandit Hirday Nath Kunzru** : (*a*) Has the question of the education of the children of railway employees been placed by Government in accordance with the promise given by them during the Railway Budget debate on the 25th February last, before the Central Advisory Council for Railways ? If so, what are the recommendations made by the Advisory Council ?

(*b*) If the answer is in the negative, will Government state when they propose to convene a meeting of the Advisory Council for the consideration of the question ?

Mr. A. A. L. Parsons : I will place the question before the Central Advisory Council for Railways at a meeting during the course of the present month.

PAY OF THE HEADMASTERS AND TEACHERS OF INDIAN HIGH OR MIDDLE SCHOOLS MAINTAINED BY THE EAST INDIAN RAILWAY.

271. **Pandit Hirday Nath Kunzru** : (*a*) Have any grades or incremental scales been laid down for the salaries of the headmasters and teachers of Indian high or middle schools maintained by the East Indian Railway except in the case of the Khagole (Patna) High School ? If not why not ?

(*b*) Is the enforcement of the scale fixed for the headmaster and teachers of the Khagole High School conditional on funds being available ? Have the East Indian Railway provided the necessary funds ?

(*c*) Is there any other class of subordinate Indian employees on the East Indian Railway for whose salary no grades or incremental scales have been fixed ?

(*d*) Is it a fact that even temporary men engaged for construction work have been allowed incremental scales of salaries ?

Mr. A. A. L. Parsons : Enquiry is being made and the result will be communicated to the Honourable Member.

DEATH FROM SNAKE BITE OF DAFFATRAY SHIVLAL, A CABIN MAN EMPLOYED ON THE GREAT INDIAN PENINSULA RAILWAY.

272. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether on the 16th April 1928 a cabin man by name Daffatray Shivlal working at Umbarmali 69 Mileage Cabin on the Great Indian Peninsula Railway met with his death by snake bite ;

(*b*) whether the deceased had to walk to and from the Cabin at odd hours at night to join his duties or to the station to get into the train ;

(*c*) whether this was due to the non-stoppage of trains at the wayside cabins for the convenience of the cabin staff ;

(*d*) whether trains were so stopped till very recently ;

(*e*) if so, the reasons for discontinuing the old practice ?

Mr. A. A. L. Parsons : Government have no information. The matter is within the competence of the Agent of the Great Indian Peninsula Railway to whom a copy of the Honourable Member's question has been sent. I may add that in the opinion of the Railway Board the stoppage of trains at wayside cabins is certainly undesirable.

WORKING HOURS OF THE GREAT INDIAN PENINSULA RAILWAY STAFF EMPLOYED AT GHORPADI NEAR POONA.

273. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) what are the working hours of the Great Indian Peninsula Railway staff working at Ghorpadi near Poona ;

(*b*) the number of men working at Ghorpadi ;

(*c*) whether it is a fact that one of the platforms at Ghorpadi is without any shed and the staff have to work in the sun and rain without any protection ;

(*d*) whether the work of loading and unloading is done simultaneously ;

(*e*) whether it is a fact that the transhipment clerks at Ghorpadi have not been provided with any table, chair, stool or any other material on which they could make the usual entries of goods loaded and unloaded ;

(*f*) whether the staff working at Ghorpadi have been provided with quarters ;

(*g*) if not, whether they have to stay at Poona as there are no houses available at Ghorpadi ;

(*h*) whether the staff at Ghorpadi have to be away from their homes from early morning till late in the evening ;

(*i*) whether any furnished tiffin-rooms have been provided there for the use of the staff ;

(*j*) whether the tiffin-rooms at Ghorpadi are mere enclosures constructed of old corrugated iron-sheets, without any windows, plinth or flooring ;

(*k*) what is the minimum quantity of daily work that has to be done by each transhipment-clerk and each cooly at Ghorpadi ?

Mr. A. A. L. Parsons : Government have no information. A copy of the Honourable Member's question will be sent to the Agent, Great Indian Peninsula Railway, who will no doubt remove any defects there may be in the arrangements at Ghorpadi.

DISCHARGE OF TEMPORARY CLERKS EMPLOYED AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

274. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that there are many clerks who have been serving in the Great Indian Peninsula Railway at Wadi

Bunder in Bombay under the Goods Superintendent for several years but who have not been confirmed ;

(*b*) if so, what is the number of such clerks with years of service to their credit ;

(*c*) whether it is a fact that in July 1928 the services of five of such clerks were dispensed with without giving even a day's notice and without any fault of theirs ;

(*d*) if so, whether there were many clerks junior to those whose services were thus dispensed with ;

(*e*) whether it is a fact that it is proposed to dispense with the services of many more such temporary clerks who have put in service of ten years and below ;

(*f*) whether it is a fact that with this object in view they were unusually examined in subjects such as mathematics and dictation ?

OFFERING OF PERMANENT EMPLOYMENT TO PAID CANDIDATES WORKING AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

275. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that the paid candidates serving at Wadi Bunder on the Great Indian Peninsula Railway in Bombay have not been made permanent even after some of them have served for three years ?

(*b*) if so, what are the reasons for the same ?

PROMOTION OF PAID CANDIDATES WORKING AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

276. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that the paid candidates working at Wadi Bunder on the Great Indian Peninsula Railway were given a promotion of Rs. 5 after having served for six months ;

(*b*) whether this system or rule has been changed ; if so, when and for what reasons ;

(*c*) whether the staff were informed of discontinuing such promotion ;

(*d*) if not, why not ?

DISTINCTION IN THE RATES OF PAY OF CLERKS EMPLOYED AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

277. **Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether it is a fact that at the Wadi Bunder Goods Depôt of the Great Indian Peninsula Railway a distinction in the rates of pay is made in the case of the clerks such as cashiers, loaders, weighers, raters, etc., doing precisely the same kind of work and having their responsibilities, the nature of work and hours of attendance in no way different ?

(*b*) If so, whether some of these officials though junior in service are drawing more pay than others who have longer years of faithful service to their credit and possess equal qualifications—educational or otherwise ?

(*c*) If so, what are the reasons for keeping such distinctions in the pay ?

(*d*) Will the Government be pleased to state whether the principle of equal pay for equal work is not and cannot be recognised and given effect to in the case of the officials serving at Wadi Bunder under the Great Indian Peninsula Railway Administration ?

PAY OF THE STAFF EMPLOYED AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

278. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) what are the scales of pay of the officials working at Carnac Bunder of the Bombay, Baroda and Central India Railway and of those working at Wadi Bunder Goods Depôt of the Great Indian Peninsula Railway;

(*b*) whether it is a fact that there is no difference in the nature of work, hours of attendance or the responsibilities in the case of these officials at Carnac Bunder and Wadi Bunder ;

(*c*) whether it is a fact that the scale of pay of the Wadi Bunder staff is even lower than that of the staff of the East Indian Railway working at the Howrah Goods Depôt despite the heavy cost of living in Bombay ;

(*d*) whether it is a fact that at Wadi Bunder there are only 7½ per cent. posts carrying a pay of Rs. 100 or above while this percentage is far greater in all other railway offices in Bombay, such as :

Bombay, Baroda and Central India Railway at C. C. Depot.	46
East Indian Railway at Howrah Depot	45
Great Indian Peninsula C. T. M. Office	44
Great Indian Peninsula Audit Office	39
Great Indian Peninsula General Store Office ..	29
Bombay, Baroda and Central India C. T. M.'s Office ..	53
Bombay, Baroda and Central India Audit Office ..	53

and so on ;

(*e*) whether it is a fact that there are so many officials working at Wadi Bunder who have put in 15 years of good service to their credit but are drawing a salary of Rs. 50 or 60 only per month ;

(*f*) whether the officials at Wadi Bunder have been requesting for a substantial increase in their pay ;

(*g*) if so, what action has been taken in the matter ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to answer questions Nos. 274 to 278 and 282 together. Government regret that they are not prepared to impose on the Railway Administration the work of compiling the information necessary to answer the Honourable Member's question.

ADMISSION OF THE PUBLIC TO THE SHED OFFICES AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

279. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether they are aware that the members of the public are freely allowed to enter in the Shed Offices at Wadi Bunder, thereby causing unnecessary trouble and annoyance to the typists and hindering them in the due performance of their work ;

(*b*) whether it is a fact that on more than one occasion the typists at Wadi Bunder were assaulted and molested by the members of the public ;

(c) if so, what precautions have been taken to prevent the repetition of such occurrences in future ?

Mr. A. A. L. Parsons : (*a*) No members of the public are allowed to enter the office where typists work.

(*b*) A Delal made a forced entry into the office on one occasion only.

(*c*) In view of reply to (*a*) above, the question does not arise.

RECOVERY OF LOSSES IN THE CASE OF SHORTAGE OF PACKAGES FROM THE STAFF OF THE GREAT INDIAN PENINSULA RAILWAY.

280. **Mr. N M. Joshi** : Will Government be pleased to state :

(*a*) whether the staff of the Great Indian Peninsula Railway have given debits of heavy sums for the alleged shortages found at destination or junction stations in the "Seals Intact Wagons";

(*b*) whether any enquiries are made to trace the short packages and, if so, what enquiries are made ;

(*c*) whether it is a fact that in several such cases of shortages, the junction stations report such shortages while the packages found their way onward in excess ;

(*d*) whether it is a fact that packages which are sent to unclaimed Goods Offices happen to be those which are reported to be short ;

(*e*) whether it is a fact that in view of the fact that a strict watch has been maintained by the Watch and Ward Department everywhere no theft or fraud is ever possible to be committed by the staff ;

(*f*) whether it is a fact that the staff is made to make good the losses on this score without proving their responsibility in any way ; if so, do they propose to issue orders to stop recovery of losses from the staff ; if not, why not ?

Mr. A. A. L. Parsons : Government have no knowledge of the facts and regret that they cannot undertake to enquire into these matters, which are entirely within the competence of the Agent of the Railway.

LOADING OF WAGONS AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

281. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that at Wadi Bunder, Great Indian Peninsula Railway, the wagons which are utilised for loading are examined by the Carriage and Wagon Department, shed foreman and the loaders ;

(*b*) whether it is a fact that in cases where any deficiency is noted owing to defect in the wagons, the loader alone is held responsible and punished ; if so, why so ?

Mr. A. A. L. Parsons : Government have no information but are sending a copy of the Honourable Member's question to the Agent, Great Indian Peninsula Railway, for such action as may appear to him to be necessary.

CHIEF GOODS INSPECTOR AT WADI BUNDER, GREAT INDIAN PENINSULA RAILWAY.

282.† **Mr. N M. Joshi** : Will Government be pleased to state :

(*a*) when the post of Chief Goods Inspector was created at Wadi Bunder, Great Indian Peninsula Railway, and for what reasons and with what duties ;

(*b*) what is the work which the Chief Inspector does ;

(*c*) whether it is a fact that this post was created when the Railway was feeling the necessity of reducing the expenses of running the Depôt in view of the depression in traffic ?

†For answer to this question, see answer to unstarred question No. 274.

NUMBER OF TELEGRAPHISTS NOMINATED TO THE TESTING BRANCH IN THE BOMBAY CENTRAL TELEGRAPH OFFICE TO LEARN TESTING, ETC.

283. **Mr. N. M. Joshi** : Will Government be pleased to place on the table a statement of figures up to 31st July 1928, as required in the following table ?

	Anglo-Indians.		Christians.		Parsis.		Jews.		Mohamedans.		Hindus.	
	Technically-qualified.	Non-qualified.	Technically-qualified.	Non-qualified.	Technically-qualified.	Non-qualified.	Technically-qualified.	Non-qualified.	Technically-qualified.	Non-qualified.	Technically-qualified.	Non-qualified.
(1) Number of Telegraphists nominated to the Testing Branch in the Bombay Central Telegraph Office, to learn testing work, under Article 51 of Posts and Telegraphs Manual (Traffic-Instructions), Volume XI, Parts I and II, during the last 10 years.												
(2) Number of such Telegraphists returned as incompetent or otherwise unsuitable during the above-mentioned period.												
(3) Number of Telegraph Masters appointed in charge of the Testing Branch of the C. T. O., Bombay, during the last 10 years.												
(4) Number of Telegraph Masters so appointed, reverted, as incompetent.												
(5) Number of Telegraphists transferred to the Engineering Branch (outdoor) from C. T. O., Bombay, during the last 10 years.												
(6) Number of Telegraphists reverted from the outdoor Engineering Branch, Bombay, as unsuitable, during the above-mentioned period.												

The Honourable Mr. A. C. McWatters : The time and labour involved in collecting the information would, in the opinion of the Government, be out of all proportion to the value of the information when collected.

LINK WITH THE COALFIELDS IN BENGAL.

284. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 21st August 1928, page 13, under the heading " Link with Bengal's Coalfields—Chord Railway—Preliminary work of scheme completed " ?

(*b*) If so, will Government please state if the statements made therein are correct ?

(*c*) If correct, will they please state by what time the railway line is expected to be completed and opened for traffic ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The statements made are substantially correct.

(*c*) The end of 1930 or beginning of 1931.

REMOVAL OF OFFICERS OF THE INCOME-TAX DEPARTMENT FOR FAILURE TO PASS THE DEPARTMENTAL EXAMINATION.

285. **Maulvi Badi-uz-Zaman** : (*a*) Will the Government be pleased to state how many officers of the Income-tax Department in each Province have been removed from service for failure to pass the departmental examination since the reorganisation of the Department in 1922 ?

(*b*) Will the Government be further pleased to state if there is any duly constituted Examination Board to supervise the conduct of the examination or is the matter entirely left to the sweet will of the examiner ?

(*c*) Are the Government aware that there is a most growing belief in the country that the departmental examination of the Income-tax Department is being now made stiffer beyond any justification with a view to materialise the policy of retrenchment afoot in the Department ?

(*d*) Do the Government propose to investigate into the present system of the examination and training and to remedy the defects, if any, at an early date ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The information will be obtained and communicated to the Honourable Member.

(*b*) There is no Examination Board for the examination of officers of the Income-tax Department.

(*c*) No.

(*d*) Government do not consider that an investigation is necessary.

ISSUE OF WEEK-END RETURN TICKETS BY THE BENGAL AND NORTH-WESTERN RAILWAY.

286. **Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the Bengal and North-Western Railway Company does not issue week-end return tickets to any class of passengers ?

(*b*) Do Government propose to introduce this system ; and if so, since when ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Government have no information. They will send a copy of the Honourable Member's question to the Agent of the Railway, with whom the decision rests.

LUGGAGE RULES OF THE EAST INDIAN RAILWAY.

287. **Mr. Amar Nath Dutt** : Is it a fact that great hardship is experienced by passengers who cannot book their luggage for want of time owing to operation of rules 2 and 14 of the Luggage Rules mentioned in the East Indian Railway time-table ? Is there any proposal to amend the rules so as to relieve them of the penalty ? If so, in what way ?

Mr. A. A. L. Parsons : Government are aware that there is some dissatisfaction with the existing rules. The question whether the rule should be altered to admit of the free allowance being given if the luggage is not booked at the starting station is under the consideration of the Indian Railway Conference Association.

WORKING CONDITIONS OF THE RAILWAY EMPLOYEES ON EACH OF THE STATE RAILWAYS.

288. **Mr. V. V. Jogiah** : Will the Government be pleased to collect and lay on the table the following information regarding the working conditions of the railway employees on each of the State Railways separately ?

1. Into what groups, categories or sections are the workers on the Railways divided ?
2. What characterises each of these groups ?
3. What is the correlation as to wages between the highest and the lowest of these groups ?
4. What systems of labour remuneration are generally employed on the Railways and particularly in:

(*a*) The principal workshops,
(*b*) The railway yards,
(*c*) For locomotive crews,
(*d*) For train crews,
(*e*) For traffic crews,
(*f*) For telegraphists,
(*g*) For road repair works,
(*h*) For administration office employees,
(*i*) For lower subordinates designated as menials ?

5. How are the rates of remuneration fixed for piece-workers and time-workers ?
6. Are the rates of train runs taken into consideration in fixing the rates of remuneration for locomotive and train crews and traffic gatemen ?
7. What purely bonus systems are in existence (enumerate them) ? On what principles are they based and what percentage of additional earnings do they yield ?
8. How are the locomotive and train crews paid for waiting time ?

Mr. A. A. L. Parsons : I propose to reply to questions Nos. 288, 289, 290, 291, 292, 293, 294, 295, 299, 300, 301, 302, 303, 304, 305, 306, 308, 310, 311, 312, and 317 together. Government are not prepared in response to the Honourable Member's demand, to impose on the Railway Board and Railway Administrations generally the excessive and costly labour of collecting and tabulating the extremely voluminous information which the replies to these questions would entail.

TOTAL NUMBER OF FEMALE WORKERS AND PERSONS UNDER 12 YEARS OF AGE EMPLOYED ON EACH OF THE STATE RAILWAYS.

†289. **Mr. V. V. Jogiah** : What is the total number of female workers and persons under 12 years of age respectively employed on each of the State Railways ?

NUMBER OF POSTS ASSIGNED TO EACH GRADE OF EACH OF THE DIFFERENT CATEGORIES OF EMPLOYMENT ON EACH OF THE STATE RAILWAYS.

†290. **Mr. V. V. Jogiah** : What is the number of posts assigned to each grade of each of the different categories of employment on each of the State Railways ?

POSTS EXCLUSIVELY FILLED BY EUROPEANS AND ANGLO-INDIANS ON EACH OF THE STATE RAILWAYS.

†291. **Mr. V. V. Jogiah** : What grades of what posts have been exclusively filled hitherto by Europeans only and by both Europeans and Anglo-Indians only on each of the State Railways ?

NUMBER OF EUROPEANS AND ANGLO-INDIANS EMPLOYED ON EACH OF THE STATE RAILWAYS.

†292. **Mr. V. V. Jogiah** : What is the existing number of Europeans and Anglo-Indians employed on each of the different grades of the different categories of employment on each of the State Railways ?

NUMBER OF EMPLOYEES EMPLOYED BELOW THE AUTHORISED MINIMUM OF THE DIFFERENT GRADES OF DIFFERENT CATEGORIES OF EMPLOYMENT ON EACH OF THE STATE RAILWAYS.

†293. **Mr. V. V. Jogiah** : How many employees are employed below the authorised minimum of the different grades of different categories of employment on each of the State Railways ?

WORKERS EMPLOYED ON DAILY RATES OF PAY ON EACH OF THE STATE RAILWAYS.

†294. **Mr. V. V. Jogiah** : (*a*) Is it a fact that employees performing the same nature of work in different State Railways are employed on different scales of pay ? Is it a fact that employees performing the same nature of duties are employed on daily rates as well as on monthly rates of pay ? If so, will the Government be pleased to state the reasons for this difference ?

†For answer to this question, see answer to unstarred question No. 288.

(*b*) Are the Government aware that the employees who have put in equal length of service on daily rates of pay have inferior privileges to those who are remunerated on the monthly rated system ? Are the Government aware that the employees on daily rates of pay are treated as casual labourers although they may have put in more than three years ?

PLACING OF SOME EMPLOYEES OF THE ENGINEERING WORKSHOPS ON THE BENGAL NAGPUR RAILWAY ON DAILY RATES OF PAY.

†295. **Mr. V. V. Jogiah** : Is it a fact that some engineering workshop employees who were on the monthly rated system on the Bengal Nagpur Railway have been put on the daily rated system at Sini with the consequent loss of their privileges in respect of leave, holidays, foreign passes, etc.? Will the Government be pleased to state how many such changes in the systems of remuneration have been made on the various State Railways in India within the last five years ?

MINIMUM WAGES OF EACH CLASS OF WORKERS ON THE STATE RAILWAYS.

296. **Mr. V. V. Jogiah** : Will Government be pleased to state whether they have instituted or propose to institute any enquiry as to the amount of minimum wages required by each class of workers on the State Railways ?

Mr. A. A. L. Parsons : The answer is in the negative.

REGULATION OF THE WAGES AND ALLOWANCES OF RAILWAY EMPLOYEES.

297. **Mr. V. V. Jogiah** : Has the attention of the Government been drawn to the working class cost of living index prepared by the Labour Office of the Government of Bombay every month, in considering the adequacy of the wages paid to the staff on the State Railways ? Do the Government propose to direct that similar cost of living indices should be prepared for all important railway centres in India with a view to regulate the wages and allowances of the railway employees ?

Mr. A. A. L. Parsons : Government are aware of the cost of living indices prepared by the Labour Office of the Government of Bombay. The figures there given are not taken specifically into account in determining the rates of pay to be offered for various classes of employment on State-managed Railways, and Government do not consider that the compilation suggested in the last part of the question would be of great use for the purpose suggested.

WAGES OF RAILWAY EMPLOYEES.

298. **Mr. V. V. Jogiah** : Are the Government aware :

(*a*) that the wages of the railway workers are not fixed with any reference to cheapest or dearest localities ;

(*b*) that there are no basic rates of pay with sliding scales for each class of employment according to the different localities ?

Mr. A. A. L. Parsons : The wages of a good many classes of railway employees are fixed with regard to local conditions. In view of the varying conditions in different parts of India Government do not consider that there would be any advantage in attempting to fix a basic rate of pay for each class of employees.

†For answer to this question, see answer to unstarred question No. 288.

CLASSIFICATION OF TIME RECORDER ATTENDANTS AND SEAL CHECKERS AS MENIALS ON THE BENGAL NAGPUR RAILWAY.

†299. **Mr. V. V. Jogiah** : Is it a fact that time recorder attendants and seal checkers who possess a knowledge of English are classified as menials and given their scales of pay on the Bengal Nagpur Railway ? Will the Government be pleased to state what other staff whose nature of duties require a knowledge of English and ability to prepare intelligent statements are designated as menials and given those scales of pay on each of the State Railways ?

GRANT OF CERTAIN CLASSES OF ALLOWANCES TO EMPLOYEES ON EACH OF THE STATE RAILWAYS.

†300. **Mr. V. V. Jogiah** : (*a*) What staff are given the following allowances, on what basis and in what places on each of the State Railways ?

Over-time allowance.
Relieving allowanee.
Travelling allowance.
Local allowance.
Mileage allowance.
House allowance.
Clothing allowance.
Day allowance.
Night allowance.
Regular attendance bonus.

(*b*) Is it a fact that low paid employees who perform the same nature of duties in the same places or stations are not all granted any of the allowances mentioned in the preceding question ?

REMUNERATION OF RAILWAY EMPLOYEES AT HIGHER RATES FOR NIGHT DUTY, ETC.

†301. **Mr. V. V. Jogiah** : Are the Government aware that on most Railways duties performed during nights or after fixed hours of duty are not remunerated by higher rates ? In what Railways is this grievance not prevalent and for what categories of employment ?

PAY OF CLERKS ON STATE RAILWAYS.

†302. **Mr. V. V. Jogiah** : Are the Government aware that clerical employees on State Railways are placed on inferior scales of pay as compared with those of other Government establishments, like Postal Departments ?

MONTHLY WAGES BILL OF THE STAFF EMPLOYED IN EACH OF THE DIFFERENT GRADES OF DIFFERENT CLASSES OF EMPLOYEES ON EACH OF THE STATE RAILWAYS.

†303. **Mr. V. V. Jogiah** : What is the amount of the average monthly wages bill paid to the staff employed in each of the different grades of different classes of employees on each of the State Railways ?

†For answer to this question, see answer to unstarred question No. 288.

POSTS ON DIFFERENT STATE RAILWAYS FILLED UP BY SENIORITY, DIRECT RECRUITMENT, ETC.

†304. **Mr. V. V. Jogiah** : (*a*) What are those grades in each class of employment which are thrown open to employees on the basis of seniority only ?

(*b*) What are those grades the vacancies in which are filled up only on the occurrence of permanent vacancies ?

(*c*) What are those grades filled up by direct recruitment on the results of competitive tests only ? What are the grades thrown open only to the employees in the lower grades on the basis of competitive tests ?

(*d*) What are those posts filled up by direct recruitment without competitive tests, and without the sole consideration of claims of seniority without any fault in working ?

NUMBER OF EMPLOYEES IN EACH OF THE GRADES OF DIFFERENT CLASSES OF EMPLOYMENT ON STATE RAILWAYS WHO REACHED THEIR MAXIMUM THREE OR MORE YEARS AGO, ETC.

†305. **Mr. V. V. Jogiah** : (*a*) Will the Government be pleased to state the number of employees in each of the grades of different classes of employment, who reached their maximum three or more years ago, without further increases ?

(*b*) Will the Government be pleased to state the number of employees in each of the grades of different classes of employment, whose annual grade increases or promotions have been stopped during the last three years respectively for slack or inefficient work, on each of the State Railways ?

REDUCTION OF EMPLOYEES AS A PUNISHMENT ON EACH OF THE STATE RAILWAYS.

†306. **Mr. V. V. Jogiah** : (*a*) How many employees have been reduced as a punishment measure in spite of appeals, within the last three years on each of the State Railways ?

(*b*) Is it a fact that when Railway employees are withheld their increments, their future increments are also in most cases adversely affected ?

NUMBER OF DAYS ELAPSING BETWEEN THE CONCLUSION OF THE PERIOD OF WORK AND THE ACTUAL PAYMENT OF WAGES ON EACH OF THE STATE RAILWAYS.

307. **Mr. V. V. Jogiah** : What is the maximum and minimum number of days normally elapsing between the conclusion of the period of work and the actual payment of wages, among the different staff on each of the State Railways ?

Mr. A. A. L. Parsons : A statement is being prepared shewing with as much accuracy as possible the number of days which normally elapse between the conclusion of the period of work and the actual payment of wages of different classes of staff on each of the State Railways. It will be sent to the Honourable Member in due course.

†For answer to this question, see answer to unstarred question No. 288.

FACILITIES FOR THE GRANT OF ADVANCES AND RATIONS TO EMPLOYEES OF THE STATE RAILWAYS.

†308. **Mr. V. V. Jogiah** : What facilities are granted to the employees on State Railways for easily obtaining advances and rations, in cases of hardship ?

INFLICTION OF FINES ON AND DEDUCTIONS FROM THE WAGES OF EMPLOYEES ON THE STATE RAILWAYS.

309. **Mr. V. V. Jogiah** : Do the Government propose to introduce any legislation regarding the abolition of or the regulation of infliction of fines and deductions on the State Railways employees ?

Mr. A. A. L. Parsons : Government have under their consideration the question of introducing legislation for the control and regulation of fines. It is not their intention to introduce any special legislation for railway employees.

FINES REALISED DURING THE LAST THREE YEARS FROM EUROPEANS, ANGLO-INDIANS AND INDIANS EMPLOYED ON EACH OF THE STATE RAILWAYS.

†310. **Mr. V. V. Jogiah** : (*a*) Will the Government be pleased to state the total amount of fines realised from European, Anglo-Indian and other Indian employees respectively during the past three years on each of the State Railways ?

(*b*) How much of the fines so collected were from the European Supervising Staff and how much amounts from the fine fund were spent for the sake of non-Indian Staff exclusively ?

FORMS OF SERVICE BONDS OR AGREEMENTS EXECUTED BY THE DIFFERENT EMPLOYEES ON EACH OF THE STATE RAILWAYS.

†311. **Mr. V. V. Jogiah** : (*a*) Will the Government be pleased to lay on the table the different forms of service bonds, or agreements required to be executed by different employees on each of the State Railways ?

(*b*) Is it a fact that the terms of service agreements are so framed as to leave the employees without any protection in a court of law from the employers against unjust dismissals ?

FURNISHING OF CHARGE SHEETS TO EMPLOYEES OF STATE RAILWAYS BEFORE REDUCTION, REMOVAL OR DISMISSAL.

†312. **Mr. V. V. Jogiah** : (*a*) Are the State Railway employees before they are reduced, removed, dismissed, or otherwise seriously punished furnished as a rule with charge sheets, their cases enquired into and opportunities given to them for examining witnesses for and against personally or through the representatives of the accused employees ?

(*b*) Is it a fact that no rules governing the infliction of punishments on State Railway employees are in force unlike Rule No. 14 of the Home Department, dated June 1924 ?

†For answer to this question, see answer to unstarred question No. 288.

(*c*) How many employees during each of the last three years have been discharged against their appeals for reasons not connected with reduction of establishment, on each of the State Railways ?

(*d*) How many employees forfeited their service gratuity and both service gratuity and provident fund bonus, respectively, during the last three years ?

LEAVE RULES OF THE SUBORDINATE AND MENIAL STAFF ON EACH OF THE STATE RAILWAYS, ETC.

313. **Mr. V. V. Jogiah** : 1. What leave rules govern the subordinate and the menial employees on each of the State Railways ?

2. Is it a fact that the Government have been proposing to revise the State Railway rules but have been postponing the revision for some reason or other ?

3. Is it a fact that racial discrimination exists in respect of leave rules in some of the State Railways ? Is it the case with Government servants ?

4. What is the existing leave reserve allowed for each different class of employees ?

5. What holidays are allowed for different classes of employees ?

Mr. A. A. L. Parsons : (1) On the North-Western and Eastern Bengal Railways the Fundamental Rules apply. These rules also apply to the former employees of the Oudh and Rohilkhand Railway now working on the East Indian Railway, and to all employees engaged on the East Indian and Great Indian Peninsula Railways after those Railways were taken over for State management. Employees of the East Indian and Great Indian Peninsula Railways, who have now come into Government service, remain under the rules framed by those Companies.

(2) Yes ; but the revision has taken longer than was expected because it was found necessary to revise at the same time the rules governing other conditions of service.

(3) The Fundamental Leave Rules (which apply to all Government servants whose pay is debitable to civil estimates) provide that Government servants of non-Asiatic domicile are subject to special rules which are generally more favourable than the ordinary leave rules.

(4) and (5). The leave reserves for, and holidays allowed to, different employees vary according to the different classes of employees, and Government regret that they are not prepared to undertake the exhaustive investigation which would be necessary to give an answer to the Honourable Member's question.

NUMBER OF HOSPITALS MAINTAINED BY EACH OF THE STATE RAILWAYS, ETC.

314. **Mr. V. V. Jogiah** : 1. How many hospitals are maintained by each of the State Railways for the benefit of their employees ? Of these how many are zenana hospitals ?

2. Is it a fact that medical certificates issued by competent registered medical practitioners without the countersignature of a railway doctor

are considered invalid by the Railway Administrations ? If so, do the Government propose to remove this anomaly ?

3. Have the Government ever made or propose to make any enquiry into occupational diseases of the railway men ? Is it a fact that locomotive men are subject to special diseases ? Has the attention of the Government been drawn to the recent enquiry conducted by the medical officers on the State Railways in Sweden into the several diseases and ailments incidental to the occupation of railway employees ?

4. At what intervals, are what employees subjected to periodical medical examinations ?

5. Is any consideration taken, before discharging a medically unfit employee, of the fact of his having contracted any defect in vision or any ailment due to the nature of the duties performed, so as to find him suitable employment and suitably compensate him ?

6. What steps have been taken by the Railway Board towards the adoption of a uniform hospital policy on Indian Railways and considerable expansion of facilities for indoor treatment to railway employees ?

7. Will the Government be pleased to lay on the table a report of the work done by the Standing Committee of the railway medical officers ?

Mr. A. A. L. Parsons : (1) The information is being collected and will be supplied to the Honourable Member in due course.

(2) Yes. There is no anomaly in the practice.

(3) The answer to the first part of the question is in the negative. Government are not prepared to express an opinion on the second part. They have not seen any report of the enquiry stated to have been made in Sweden.

(4) The rules with regard to periodical medical examinations are now under revision. A copy of the revised rules when issued will be sent to the Honourable Member.

(5) Yes.

(6) It would not be correct to say that the Railway Board have adopted a uniform hospital policy on Indian railways but as the result of a special enquiry into this subject by a senior medical officer in 1925 certain broad principles were adopted for application to all new proposals for hospital accommodation on the State Railways with a view to ensuring adequate medical treatment for all classes of the staff.

(7) A memorandum is being prepared and a copy will be sent to the Honourable Member in due course.

CENSUS OF THE CHILDREN OF SCHOOL-GOING AGE OF THE EMPLOYEES ON EACH OF THE STATE RAILWAYS.

315. **Mr. V. V. Jogiah** : Have the Government taken any census of the children of school-going age of the railway employees on each of the State Railways ? If the reply be in the affirmative, will the Government be pleased to lay on the table a report of the census taken ?

Mr. A. A. L. Parsons : The answer to the first part is in the negative, and the second does not arise.

NUMBER OF EDUCATIONAL INSTITUTIONS STARTED BY EACH OF THE STATE RAILWAYS.

316. **Mr. V. V. Jogiah** : What are the total number of educational institutions started by each of the State Railways ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the statistics given in Appendices I and III of the report on the expenditure of the Railways on the education of the children of employees in 1925-26, a copy of which is in the Library.

TOTAL NUMBER OF RAILWAY QUARTERS OCCUPIED BY THE INDIAN, ANGLO-INDIAN AND EUROPEAN EMPLOYEES ON EACH OF THE STATE RAILWAYS.

†317. **Mr. V. V. Jogiah** : 1. What is the total number of railway quarters occupied by the Indian, Anglo-Indian and European employees respectively on each of the State Railways ?

2. What different types of quarters are provided on each of the State Railways and what are the characteristics of these quarters ?

3. Do the Government propose to house all the employees with suitable quarters in view of the limited number of employees on the Railways ?

4. Is it a fact that rooms provided for gangmen on the Bengal-Nagpur Railway have an area of only 64 square feet and is it also a fact that quarters provided for the subordinate staff at Khargpur have an area of 12′ × 8′ and 16′ × 10′ respectively ?

STATION COMMITTEES ON STATE RAILWAYS.

318. **Mr. V. V. Jogiah** : 1. How many Station Committees are in existence on each of the State Railways in India and how many railway employees come within the jurisdiction of these Committees ? What is their constitution ?

2. Do the Government propose to amend the constitution of these Station Committees so as to bring them within the scope of the Local Self-Government Acts of the respective Provinces ?

Mr. A. A. L. Parsons : So far as the Railway Board are aware there are no station committees in the sense intended by the Honourable Member on the State-managed Railways in India. The remaining parts of his question do not therefore arise.

CONDONATION OF BREACH IN SERVICE OF SUBORDINATE EMPLOYEES ON STATE RAILWAYS.

319. **Mr. V. V. Jogiah** : What is the maximum period of break in service an Agent of a State Railway is authorised to condone for the purpose of gratuity ?

Mr. A. A. L. Parsons : The maximum period is one year in the case of break in service of subordinate employees caused by an unconditional resignation for the employee's own purposes, if such break occurred before September 1911 when the gratuity rules were first introduced. In case of breaks after that date, Agents have no power to condone such as are due to unconditional resignation or dismissal ; but in other circumstances, they have full powers.

†For answer to this question, see answer to unstarred question No. 288.

AMENDMENT OF THE GRATUITY RULES OF STATE RAILWAYS.

320. **Mr. V. V. Jogiah** : Is it a fact that railway employees have no right to claim their service gratuity as a right ? If so, do the Government propose to amend the State Railway Gratuity Rules so as to remove this hardship ?

Mr. A. A. L. Parsons : The reply to the first part of the question is in the affirmative, and to the second in the negative. Government do not consider that the existing rule causes any hardship.

RULES GOVERNING THE ISSUE OF UNIFORM, FREE PASSES, ETC., TO THE STAFF ON THE VARIOUS STATE RAILWAYS.

321. **Mr. V. V. Jogiah** : What rules govern the issue of uniform clothing, free passes and P. T. Os. to the staff on the various State Railways ?

Mr. A. A. L. Parsons : Government are not aware of the rules governing the issue of uniforms on the various State-managed Railways, a matter which is left to the individual Railway Administrations. The rules governing the grant of free passes to the staff also vary on different Railways, though they are required to be in accordance with the provisions of Appendix 3 of the State Railway Open Line Code, Vol. II. Privilege Ticket Orders are governed by rules framed by the Indian Railway Conference Association, a copy of which I will show the Honourable Member if he will call at my office.

CONSTITUTION OF A CENTRAL WAGES BOARD, ETC.

322. **Mr. V. V. Jogiah** : Has the attention of the Government been drawn to the frequent resolutions passed by the All-India Trade Union Congress and All-India Railwaymen's Federation urging upon the Government to amend the Indian Railways Act inserting provisions for the constitution in India of a Central Wages Board for settling disputes concerning wages and for making it obligatory on Railway Administrations to establish joint Industrial Councils on the lines of the English Railway Act of 1921, with necessary modifications ? Will the Government be pleased to state what action they propose to take in this matter ?

Mr. A. A. L. Parsons : Government have not been able to trace the resolutions mentioned by the Honourable Member.

WITHDRAWAL OF RECOGNITION FROM RAILWAY UNIONS.

323. **Mr. V. V. Jogiah** : Will the Government be pleased to state what Railway Unions have had their recognition withdrawn by the Agents of the respective Railways and for what reasons ?

Mr. A. A. L. Parsons : The Railway Board are not in possession of the information. But they are making enquiries and will communicate with the Honourable Member in due course.

OPENING OF EMPLOYMENT BUREAUS ON EACH OF THE STATE RAILWAYS.

324. **Mr. V. V. Jogiah** : Will the Government be pleased to state whether they propose to take steps to open employment bureaus on each

of the State Railways so as to obtain re-employment for workers brought under reduction of establishment or retrenchment ?

Mr. A. A. L. Parsons : It is the general practice of Railways to give preference to men who have been discharged, provided their previous service has been satisfactory, in filling subsequent vacant posts the work of which the discharged men are competent to perform. The Railway Board are prepared to consider whether any improvements of organisation are required to assure that this practice is adhered to.

RECOGNITION OF RAILWAY UNIONS.

325. **Mr. V. V. Jogiah** : Will the Government be pleased to state the number of Railway Unions which are not recognised by the respective Railway Administrations in spite of being registered under the Indian Trade Unions Act ?

Mr. A. A. L. Parsons : The Railway Board are not in possession of the information. But they are making enquiries and will communicate with the Honourable Member in due course.

GENERAL BRANCH OF THE CENTRAL STATIONERY OFFICE.

326. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state whether it is a fact that the reply to part (*a*) of unstarred question No. 202 at page 1064 of the Legislative Assembly Debates of the 7th March 1928 is an extract furnished from the Office Manual of the Central Stationery Office ?

(*b*) Is it a fact that the General Branch of the Stationery Office has all along been under a Head Assistant and has very recently been under a senior assistant ?

(*c*) If the answer to (*b*) above be in the affirmative, will the Honourable Member be pleased to state what he meant by the words ' general charge of the office establishment ' and ' under his direct supervision ' used in reply to question referred to in (*a*) above ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Government are not in possession of the information required.

(*c*) Does not arise.

DUTIES OF THE SUPERINTENDENT OF THE GENERAL BRANCH, CENTRAL STATIONERY OFFICE.

327. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the main duty of the General Branch of the Stationery Office is (*i*) to receive and issue letters and (*ii*) to deal with establishment cases ?

(*b*) If the answer to (*a*) above be in the affirmative, will the Honourable Member be pleased to state the nature of the cases which are dealt with by the Superintendent personally ?

(*c*) Do Government propose to transfer the work of dealing with bills for payment of supplies, vouchers for supplies and delivery vouchers to the Head Accountant from the Superintendent ? If not, why not ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) The Honourable Member is referred to the answer given by the Honourable Sir B. N. Mitra to his unstarred question No. 202 on 7th March, 1928, for a general account of the Superintendent's duties. Government are not in possession of more detailed information.

(*c*) The allocation of work of this kind is a matter for the head of the office, and Government do not propose to interfere.

ALLOCATION OF WORK TO HEAD ASSISTANTS OF DIFFERENT BRANCHES OF THE CENTRAL STATIONERY OFFICE.

328. **Mr. Satyendra Chandra Mitra** : (*a*) Do Government propose to transfer to the Head Assistant of the C and S Section work connected with shipping documents ? If not, why not ?

(*b*) Do Government propose to entrust the Head Assistants of the respective Branches of the Stationery Office with the work of issuing reminders and submitting requisitions ? If not, why not ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). The answer is in the negative. The allocation of work to Head Assistants is a matter for the head of the office.

RULES REGULATING PROMOTIONS AND GRANT OF LEAVE.

329. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that recommendations for promotions and sanction for leave are guided by a set of rules and regulations ?

(*b*) If the answer to (*a*) above be in the affirmative, will the Honourable Member be pleased to say whether the Head Assistant or the senior assistant of the General Branch of the Stationery Office is required to know these rules and regulations ?

The Honourable Mr. A. C. McWatters : The information is being collected and will be supplied to the Honourable Member.

ATTENDANCE REGISTERS OF THE MENIALS OF THE CENTRAL STATIONERY OFFICE.

330. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the attendance registers of all Branches of the Stationery Office are under the supervision of the Head Assistants of the respective Branches ?

(*b*) Is it a fact that the attendance registers of the menials of the Stationery Office is under the supervision of the General Branch of the Stationery Office ?

(*c*) Is it a fact that the Head Assistants of the Branches are authorised and competent to rectify irregular attendance in their Branches ?

(*d*) If the answers to questions (*a*), (*b*) and (*c*) above are in the affirmative, will the Honourable Member be pleased to state the reasons for submitting those attendance registers to the Superintendent of the Stationery Office ?

GENERAL SUPERVISION OF THE BRANCHES OF THE CENTRAL STATIONERY OFFICE, ETC.

331. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the Head Assistants of the Branches of the Stationery Office are responsible for the work and the correct observance of the office procedure within their respective Branches and are authorised to submit work direct to the officers of that Department ?

(*b*) Do Government propose to relieve the Superintendent of the Stationery Office of his duty of general supervision over all Branches ? If not, why not ?

(*c*) Is it a fact that the Head Assistant or the senior assistant of the General Branch of the Stationery Office marks all letters and cases received in that office and arranges for their distribution to the different Branches of that office ?

(*d*) If the answer to part (*c*) above be in the affirmative, will the Honourable Member be pleased to state what class of letters and cases are distributed to the Branches by the Superintendent as stated in the reply to unstarred question No. 202 of the 7th March 1928, and furnish the number of such cases and letters received and distributed every day on an average ?

(*e*) Will the Honourable Member be pleased to state whether it is a fact that an account of all service stamps utilised in the Central Stationery Office is maintained in the General Branch of that office ?

The Honourable Mr. A. C. McWatters : I propose to answer questions Nos. 330 and 331 together. Government are not in possession of the information required, which relates to matters of administrative detail lying within the competence of the head of the office.

ABOLITION OF THE POST OF SUPERINTENDENT OF THE CENTRAL STATIONERY OFFICE.

332. **Mr. Satyendra Chandra Mitra** : Do Government propose to appoint a committee to enquire whether the post of the Superintendent of the Stationery Office can be abolished by distributing his general duties to the Branches ? If not, why not ?

The Honourable Mr. A. C. McWatters : Government do not consider the appointment of such a committee to be necessary.

PRESENTATION OF THE ACCOUNTS OF RAILWAY-OWNED COLLIERIES ON A COMMERCIAL BASIS.

333. **Mr. K. C. Neogy** : (*a*) Will Government be pleased to state what action they are going to take, and when, in re-casting the accounts of the railway-owned collieries on a commercial basis ?

(*b*) If so, when can the accounts of the railway-owned collieries be expected to be available, presented on a commercial basis ?

(*c*) Meanwhile will Government furnish figures showing the approximate cost of production per ton in the different railway collieries based on a commercial basis including such items as depreciation allowance for exhaustion of minerals ?

Mr. A. A. L. Parsons : (*a*) Government are now considering the recommendations of Sir Arthur Dickinson in this behalf and hope to come to a conclusion on them in the course of the winter.

(*b*) It is hoped that it will be possible to present the accounts for 1929-30 on a commercial basis, in which case they should be ready in May, 1930.

(*c*) A reference is invited to Appendix B in Volume II of the Report by the Railway Board on Indian Railways for 1926-27. The figures there given for working expenses include an allowance for a sinking fund for the eventual extinction of the capital cost of the collieries when the mines are completely worked out.

CONSUMPTION OF COAL BY THE BENGAL NAGPUR RAILWAY, ETC.

334. **Mr. K. C. Neogy** : Will Government be pleased to state what is the present consumption of coal by the Bengal Nagpur Railway, and what proportion of the supply of such coal is met from the output of the collieries owned by this Railway ? Are the consumption of coal by the Bengal Nagpur Railway, and the output of their collieries already opened for working, likely to increase in course of the next 5 years ; and if so, to what extent ?

Mr. A. A. L. Parsons : I am making enquiries and will communicate the result to the Honourable Member in due course.

PURCHASE OF COAL FROM THE MARKET BY THE BENGAL NAGPUR RAILWAY.

335. **Mr. K. C. Neogy** : Is it a fact that an undertaking was given by Government that in the matter of coal consumption of the Railways, 50 per cent. of the requirements will be met by purchase from the market ? If so, why is the Bengal Nagpur Railway not working upon the percentage ? Do Government propose to ensure larger purchases of coal by that Railway from the market than at present ?

Mr. A. A. L. Parsons : No such undertaking has been given. The Honourable Member is probably referring to a statement which was made by the Honourable the Railway Member on the 14th April, 1927, to a deputation of the Indian Mining Federation accompanied by representatives of the Indian Mining Association, whom he told that the instructions at the time to the Chief Mining Engineer were to adjust the development of the railway collieries in such a way that 50 per cent. of the railway demand was purchased and 50 per cent. supplied by the railway collieries. This statement of course referred to the collieries of State-managed Railways ; it did not, and could not, bind the Bengal Nagpur Railway Company to adopt any similar practice, and Government are not in a position, nor do they wish, to fetter the discretion of the Bengal Nagpur Railway Company in this respect.

EXEMPTION OF THE PROFITS OF RAILWAY COLLIERIES IN BIHAR AND ORISSA FROM ASSESSMENT UNDER CHAPTER V OF THE CESS ACT.

336. **Mr. K. C. Neogy** : Is it a fact that the railway collieries in Bihar and Orissa are exempt from assessment of their profits under Chapter V of the Cess Act (Bengal Act IX of 1880) ? If so, will Government state the grounds of such immunity ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative, and the second part does not arise.

ABANDONMENT OF CERTAIN PARTLY-DEVELOPED RAILWAY COLLIERIES.

337. **Mr. K. C. Neogy** : (*a*) Did Government receive from the Indian Mining Federation of Calcutta any representation suggesting the abandonment of certain partly-developed railway collieries ? If so, what action do Government propose to take on the suggestion made ?

(*b*) Will Government state what has been, according to the latest available figures, the amount of capital expended on the railway collieries in the Talchar fields and in Religari-Dari ?

Mr. A. A. L. Parsons : (*a*) Yes. Government do not propose to abandon any of the collieries acquired.

(*b*) I am collecting the information and will communicate with the Honourable Member on receipt.

CONSUMPTION OF COAL BY CLASS I RAILWAYS.

338. **Mr. K. C. Neogy** : Will Government be pleased to state the amount of coal consumed by Class I Indian Railways during the years 1919-20 to 1927-28, both years inclusive, and what proportion of coal out of the total consumption was each year purchased from the market during these years ?

Mr. A. A. L. Parsons : I am sending the Honourable Member a statement showing for the years 1921-22 to 1927-28 inclusive the coal consumed by locomotives and the coal issued by railway collieries. The figures for the years 1919-20 and 1920-21 are not readily available. The difference between these two figures may be taken approximately to represent purchases from the market, and the statement shows the percentage which these purchases bear in each year to the total consumption. I should explain that the figures of consumption do not include coal consumed for other than locomotive purposes, for instance, for pumping engines, workshops, etc., since these figures were not tabulated prior to 1927-28. It would be reasonable to assume that coal consumed for these purposes represents about 8 per cent. of the total consumption, and that the quantities of market purchases are larger to this extent.

NUMBER OF PERSONS EMPLOYED IN RAILWAY COLLIERIES ON CERTAIN SPECIFIED SALARIES, ETC.

339. **Mr. K. C. Neogy** : Will Government be pleased to state how many persons are employed in the collieries owned by the State and the Guaranteed Railways drawing a monthly salary of Rs. 1,000 and above, between Rs. 500 to Rs. 1,000 and Rs. 250 to Rs. 500 ? Of these three grades of appointments how many are held at present by Europeans, Indians and Anglo-Indians, respectively, under each grade ? How many appointments were made during the last two years under each of these grades and how many of these appointments went to Indians ?

Mr. A. A. L. Parsons : The information desired by the Honourable Member has been called for and will be communicated to him on its receipt.

UNWORKED RESOURCES OF COAL OF 13, 14, 15, 17 AND 18 SEAM LEFT WORKABLE IN THE JHARIA COALFIELDS.

340. **Mr. K. C. Neogy** : Will Government be pleased to state what are the unworked resources of coal of 13, 14, 15, 17 and 18 seam still left workable in the Jharia coalfields ? What is the authority on which the estimates given are based ?

The Honourable Mr. A. C. McWatters : The required information has been called for and will be supplied to the Honourable Member if it is available.

PROVISION OF A RAISED PLATFORM AND SUITABLE WAITING ACCOMMODATION AT MUGMA ON THE EAST INDIAN RAILWAY.

341. **Mr. K. C. Neogy** : Is it a fact that in an important coalfield station, Mugma, on the East Indian Railway, the public interested has been asking for the last 7 years for the provision of a raised platform and suitable waiting accommodation ? Is it a fact that the platform and the waiting accommodation were sanctioned by the East Indian Railway twice—once in August 1926 and again in November 1927 ? If so, have the facilities sanctioned been already provided, and if not, why not ?

Mr. A. A. L. Parsons : The information is being obtained and will be furnished to the Honourable Member on receipt.

DISCONTINUANCE OF THE STEAMER SERVICES MAINTAINED BY THE EASTERN BENGAL RAILWAY.

342. **Mr. K. C. Neogy** : (*a*) Is it a fact that for some time the Eastern Bengal Railway used to run its own steamers in competition with the passenger and goods traffic services of the India General Steam Navigation Company and the Rivers Steam Navigation Company in Bengal and Assam ?

(*b*) If so, will Government make a statement giving a short account of this practice of the Eastern Bengal Railway, and of any other Railway in India which may have undertaken similar navigation service in inland waters ?

(*c*) Did the aforesaid navigation companies ever make any representations to Government regarding their competition with the Eastern Bengal Railway ? If so, when, to what effect, and with what results, were such representations made ?

(*d*) Were any agreements ever made between the said Companies and the Eastern Bengal Railway regarding traffic and earnings of the competing steamer services ? If so, when and to what effect were these agreements made ?

(*e*) What are the circumstances in which the steamer services maintained by the Eastern Bengal Railway came to be discontinued in the different local areas ?

Mr. A. A. L. Parsons : Steps are being taken to collect such information as is available and I will communicate it later to the Honourable Member.

REMOVAL OF THE IMPERIAL RECORD DEPARTMENT FROM CALCUTTA TO DELHI.

†343. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Government please state the approximate date by which the removal of the Imperial Record Department from Calcutta to Delhi will be completed ?

(*b*) Will the Government please state what is the amount of the annual rent for the buildings in which the Imperial Record Department, Calcutta, is now located ?

(*c*) Is it a fact that the retired Superintendents of the various departments of the Government of India enjoying pension have been employed for the weeding of the Crown records ?

(*d*) Is it a fact that three upper grade assistants and two lower grade clerks of the Imperial Record Department are now engaged in the classification of the Company records ? Is it a fact that Sir Montagu Butler, in his capacity as the Secretary of the Government of India in the Department of Education, Health and Lands, held that classification of Company records is more difficult than the work of weeding ?

(*e*) If the answers to the above questions be in the affirmative, do Government propose to raise the pay of the permanent Government servants commensurate with their responsibilities ?

DUTIES OF CLERKS IN THE LOWER GRADE OF THE IMPERIAL RECORD DEPARTMENT.

†344. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the clerks in the lower grade of the Imperial Record Department have often to conduct searches among the old records for tracing information required by the Government in their dealings with the Indian Powers or for other purposes ?

(*b*) Are the Government aware that these searches require considerable historical knowledge and acumen and constant application on the part of the workers and that a search sometimes lasts for months together ?

(*c*) Is it a fact that a heavy amount of correspondence with different Governments, Universities and private individuals has to be conducted in the Imperial Record Department in connection with the annual sittings of the Indian Historical Records Commission and that this work is done by a lower division clerk ?

REVISION OF THE PAY OF THE CLERICAL ESTABLISHMENT OF THE IMPERIAL RECORD DEPARTMENT.

345. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Government please state how many graduates there are among the clerks in the lower grade of the Imperial Record Department, what is the period of their service and what is their present pay ?

(*b*) Are there any rules for promoting the clerks of the lower grade to vacancies in the upper grade ? How many vacancies normally occur in the upper grade annually and how many are expected to occur annually in the next 6 years ?

†For answer to this question, see answer to unstarred question No. 345.

(*c*) Is it a fact that the scales of pay of Rs. 50—3—125 and Rs. 120—10—260 were sanctioned for the Imperial Record Department in 1920 on the analogy of the scales of pay in the secretariat offices of the Government of Bengal and other offices of the Government of India located in Calcutta ?

(*d*) Is it a fact that the scales of pay in most of the offices of the Imperial Government in Calcutta except the Imperial Record Department have since been revised ?

(*e*) Is it a fact that the scale of pay in the Imperial Record Department, New Delhi, is lower than that of any attached or subordinate offices of the Government of India located in Delhi ?

(*f*) If the answers to the above questions be in the affirmative, will the Government kindly state the reasons for this differential treatment of the staff of the Imperial Record Department and do the Government propose to revise their scales of pay ?

Mr. G. S. Bajpai : The information is being collected and will be supplied to the Honourable Member later.

PAY AND GRADING OF MAIL GUARDS OF THE RAILWAY MAIL SERVICE.

346. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the scale of pay of R. M. S. mail guards was higher than that of the overseers and branch postmasters ?

(*b*) Is it a fact that the pay of the overseers and branch postmasters have been subsequently increased but no corresponding increment has been given to the R. M. S. mail guards ? If so, why ? Do the Government propose to increase their pay ?

(*c*) Is it a fact that R. M. S. mail guards are now ranked with postmen ? If so, do the Government propose to put them in a higher rank than that of a postman ?

The Honourable Mr. A. C. McWatters : (*a*) No.

(*b*) Yes, because the duties of mail guards are on the whole less onerous and less responsible than those of departmental branch postmasters and overseers. Government do not propose to increase the pay of mail guards.

(*c*) Yes. Government do not propose to put them in a higher rank than that of a postman.

PETITION RELATING TO THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Secretary of the Assembly : Sir, under Standing Order 78 I have to report that a petition signed by the Joint Honorary Secretary on behalf of the Parsi Federal Council has been received relating to the Bill further to amend the Special Marriage Act, 1872, which was introduced in the Legislative Assembly on the 9th February, 1928.

12 NOON.

[Mr. Fazal Ibrahim Rahimtulla.]

unless some constitution is framed by the Government of India laying down a certain policy and certain methods by which this Committee could work, I do not think any useful purpose will be served by continuing these Committees. I hope this will be one of the terms of reference, the methods to be laid down for these Haj Committees if they are to continue their existence.

In conclusion I can say, Sir, on behalf of my Muslim brethern—and I am sure they will agree with me—that we will be satisfied with nothing short of the appointment of this Committee, and I hope the Honourable Member will accept the suggestion which I am making of appointing a committee at a very early date.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : I regret, Sir, that the Honourable Sir Muhammad Habibullah is not able to be present in the House to-day to deal with this Resolution. He has to be in another place and that renders his absence from this House unavoidable.

Mr. President : Is the other place meeting to-day ?

Mr. G. S. Bajpai : Yes, Sir. As regards the amendment which the Honourable Member from Bombay has moved, I am in a position to state on behalf of Government that with that amendment we are prepared to accept the Resolution. I do not think that it is necessary for me now to state in detail what the grievances of the Hajis are or to anticipate what the activities of the Committee will be. Now that the principle of appointing a committee has been accepted, I think we had better leave the grievances as well as the best method of dealing with those grievances to the Committee. The Honourable Member from Bombay who spoke just now pointed out the conditions which the Honourable Sir Muhammad Habibullah laid down the other day as conditions precedent to our acceptance of the Resolution for the appointment of a committee of enquiry. As regards the first, namely, that the Government will have a measure of discretion both as to the terms of reference and the personnel, there never was any difference of opinion. As regards the second condition, namely, that the funds for the appointment of the Committee must first be voted by the Legislature before the Committee can function or be appointed, as regards that condition also, there was no difference. The difference really related to the scope of the survey of the Committee and Honourable Muslim Members were perhaps under a misapprehension as to our real intentions in that behalf. They thought that the scope of investigations of the Committee would be limited rigidly to arrangements in India. But, as Mr. Fazal Ibrahim Rahimtulla has pointed out, we met the other day outside the House and we made it clear on behalf of Government that it was not the intention of Government to impose any such rigid limitation. At the same time, we asked Muslim Members who met us the other day to realise that it is delicate ground that we are treading on when we try to go into the adequacy or otherwise of arrangements in territories which really are the territories of another power and not the territories of the Government of India ; and so we said, Sir, that investigation into that part of the grievances of the Hajis will have to be conducted with due discretion and with proper regard for diplomatic and international propriety. The Honourable Muslim Members who met Sir Muhammad Habibullah the other day readily accepted this condition. My only excuse, Sir, for stating in brief the conditions which the Honourable Sir Muhammad Habibullah laid down the other day and the exact implications of those conditions is that I do not wish that hereafter there should be any misunderstanding as regards the attitude of Government and as regards any action that they may take hereafter. I am very glad, Sir, if I may sound a personal note at this stage, that the initiative of Government in this matter has met with the approval of the Muslim Members of the House and that they are convinced that the solicitude of Government for improving the conditions under which Hajis perform this religious duty is as great, as profound and as deep as that of any Muslim Member of this House.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : May I enquire, Sir, if the allotment of funds is a condition precedent to the appointment of the Committee ? Is this a usual condition and is it going to be a condition for every Committee hereafter ?

Mr. G. S. Bajpai : I am not, Sir, in a position to state the principle on behalf of Government, but it seems to me that it is only a rational safeguard to postulate, namely, that if your Committee is to function, the Legislature must vote the funds for it.

Nawab Sir Sahibzada Abdul Qaiyum : Is it the usual custom or precedent to allot funds before Committees are appointed or whether Committees have been appointed and funds asked for later on ? And is it going to be a general custom in the future, or is it meant for this particular Committee ?

Mr. G. S. Bajpai : Our practice, Sir, in the Department which I have the honour to represent is to secure as far as possible the approval of the Standing Finance Committee to any proposal for the appointment of a Committee before we actually proceed to appoint that Committee. The Honourable Member who spoke just now and who is also a member of the Standing Finance Committee had testimony of it the other day, because in connection with a Committee which we intend appointing to go into the affairs of the Forest Research Institute at Dehra Dun, we placed the proposal before the Standing Finance Committee before we took steps towards the actual appointment of the Committee ; but, lest there be any misapprehension on this point or lest any misgiving on this point arise in the minds of the Muslim Members of the House, I wish to make it perfectly clear that Government do not anticipate any difficulty either from the Standing Finance Committee or from the Legislature in so far as securing funds for this Committee is concerned.

Nawab Sir Sahibzada Abdul Qaiyum : I suppose it will be the custom in the future and that this custom will be followed in appointing All Committees.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What about the Royal Agricultural Commission ?

Mr. G. S. Bajpai : That was a Royal Commission, not a Committee appointed by the Government of India.

Mr. President : The question is :

"That the word 'open' before the word "enquiry" in the third line of the Resolution be omitted."

The motion was adopted.

Mr. President : The question is :

" That the following Resolution, as amended, be adopted :

' This Assembly recommends to the Governor General in Council that a mixed Committee of officials and non-official Muslims, with a clear non-official majority be appointed to hold an enquiry and take evidence, with a view to investigate the entire question of the facilities for pilgrims proceeding to the Hedjaz from Calcutta, Bombay and Karachi ports, the duties and powers of the Protectors of Pilgrims and the Haj Committees and all matters pertaining to the pilgrim traffic, and to make the necessary recommendations for providing better arrangements for the pilgrims and mitigating their hardships and inconveniences '."

The motion was adopted.

RESOLUTION *RE* PAY OF JUDGES OF THE HIGH COURTS.

Mr. A. H. Ghuznavi (Dacca Division : Muhammadan Rural) : Sir, I beg to move the Resolution which stands in my name and which runs as follows :

" This Assembly recommends to the Governor General in Council that steps be taken for improving the scale of salary of all High Court Judges."

Sir, surprise has been expressed in certain quarters at my sponsoring the Resolution and curiosity has not been idle in its quest for motives and reasons for my doing so. Sir, at the very outset I must tell the House that I have no personal axe to grind. I am neither a Judge nor a Munsif, nor ever aspire to be one. I am not the brother or brother-in-law, son or son-in-law, father or father-in-law of a Judge. I am not a barrister, vakil or advocate practising before a Judge. I am a landholder and a merchant who has very little to do with a Judge of the High Court, but who, as a member of the public, is profoundly convinced that British rule in India like any other rule in the world, depends for its stability and continuance on the strength and impartiality of the highest courts of justice in the land.

There is an outcry against the Chief Justice of the Patna High Court. There has been an outcry against the Chief Justice of the Punjab High Court. Questions are asked in the House whether the eternal Miss Mayo is responsible for the aberration of a Judge. There are insinuations and innuendoes that prejudices and preconceptions are imbibed by Judges hobnobbing in clubs with the die-hards of Anglo-India. But no one pauses to inquire why the days, the good old days, are gone by of the sturdy race of Judges jealous of the dignity of their office who lived in splendid isolation and never cared to be within miles of the Government House, not to speak of the clubs in which some of the Judges of to-day are compelled to take rooms to live in.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Maulvi Muhammad Yakub.)

The fact of the matter is that the altered conditions of to-day affecting the position, dignity and emolument of the Judges do not offer sufficient inducement to first-rate men to accept a Judgeship. In my Resolution I deal with only one aspect of the case, namely, how the salaries of Judges having been adversely affected by the altered conditions of to-day should be increased or at any rate brought up to the pre-war level. Let me make my point clear by giving the House a brief history of the salaries of the Judges of the High Courts.

In 1886, the salary of a Judge was originally fixed at Rs. 50,000 a year in the Calcutta High Court, and Rs. 45,000 in other High Courts. In 1881, Lord Cranbrook equalised the pay of European Puisne Judges of all High Courts by reducing it to Rs. 43,200 a year. In 1883, Lord Kimberly abolished the invidious distinction between European and Indian Judges in this respect and fixed the pay of all Judges, Indians and Europeans, at Rs. 45,000 a year, or Rs. 3,750 a month. In 1899, Lord George Hamilton, the then Secretary of State for India, raised the pay to Rs. 4,000 a month, the figure at which it now stands. After referring to the great dissatisfaction which prevailed among the Judges of the Calcutta High Court and to the pay of the Member of the Board of Revenue and of the Secretaries, Lord George Hamilton observed as follows :

" The raising of the salaries of the Puisne Judges generally from Rs. 3,750 to Rs. 4,000 a month seems, therefore, to me a desirable measure, as tending to remove inequalities which have an invidious appearance between offices of like importance and dignity in the Judicial and Executive line respectively, and in some degree compensating for the greater expensiveness of living which is generally admitted to have been a marked feature of recent years in the Presidency towns."

Now, while the reasons put forward by the Secretary of State for India in 1899 for an increase in the salary of High Court Judges still hold good, the conditions which obtained in 1899 are certainly not those which obtain in 1928. The expenses of life in the Presidency towns and the principal cities of India have risen by leaps and bounds. The cost of living since 1899, when the pay of a Judge was fixed at Rs. 4,000 a month, has enormously increased, it being 67 per cent. above the pre-war time. The inequalities and the invidious appearance which Lord George Hamilton had sought to remove in 1899 have re-appeared in a more accentuated and aggravated form since the Reforms. A Judge of the High Court occupied a position second only to that of the Head of the Administration of the Province. Now, in the Warrant of Precedence a Judge of the High Court occupies a position below that of a Member of the Executive Council and a Minister of the Province for whom it was thought necessary to provide a salary of Rs. 64,000 a year or Rs. 5,333-5-4 a month in consideration of labour which, by common report, is not more arduous than that of Judges. Successive reforms by the creation of the posts of Members of the Executive Council and Ministers enjoying a salary of Rs. 64,000 a year have impaired the status and prestige of Judges, not only in the eyes of the public, but a Judgeship has ceased to be an attractive prize and a fit goal for professional ambition and the ambition of young men adopting a judicial career. Instances are not unknown (and may be found even in this very House to-day) of legal luminaries who, though proof against the attractions of the Bench, succumb to the glamour and glory of an Executive office with a salary of Rs. 64,000 to boot.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Without a pension ?

Mr. A. H. Ghuznavi : Yes, though without a pension. Since 1899, when Lord George Hamilton, by reference to the pay of the Member of the Board of Revenue and the salaries of officers in the Executive line, deemed it a desirable measure to increase the salary of a High Court Judge, there has come into existence almost in every province half a dozen executive offices carrying emoluments higher than those of High Court Judges, and since 1899 there has been an increase of pay and allowance in almost every branch of the public services. The salaries of Munsiffs, Subordinate Judges

[Mr. A. H. Ghuznavi.]

and District Judges have been increased, but the Commissions and the Committees since 1899 have left the Judges of the High Court severely alone. In 1899, there was no such thing as the super-tax. The salary of a Judge less income-tax prior to the birth of the super-tax was something like Rs. 3,800 a month, but after the introduction of the super-tax it comes to something like Rs. 3,500 a month. Thus we see that, although there is an increase of salary all-round, the High Court Judges have not had an increase, but a decrease in salary. It is notorious that since 1899 there has been an enormous increase in the cost of living : the rise in house rent had to be checked by legislation. The price of all necessaries and the wages of servants have increased beyond all proportions and the incomes and emoluments of the professional, mercantile and other non-official classes have risen beyond conception. It has consequently become increasingly difficult for a High Court Judge to live in a manner befitting that position and the dignity of the high office. There is a movement, Sir, everywhere to increase the salaries of Judges. The salaries of Judges have been recently increased in America. Besides, in America, the salaries of Judges are income-tax free. (*An Honourable Member* : " What is the salary there ? ") That I do not exactly know. At any rate they are income-tax free. Sir, there is ample justification in the altered circumstances of to-day for the Government of India to take steps to introduce a reasonable increase in the salary of High Court Judges commensurate with their dignity and importance and for the Secretary of State for India with his experience as a lawyer and judge to follow the example of his predecessor in office, Lord George Hamilton.

Sir, I think I have made my point clear and I have been able to make out a good case for the consideration of this House.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I am one of those who have suspected the motives of my Honourable friend in moving this particular Resolution, but my suspicion was not that he had any claim to any relationship as father-in-law with any of the present Judges of any Honourable High Court. I thought that perhaps my Honourable friend was developing an ambition of becoming a Labour Leader in this House. I almost thought I should warn my Honourable friend, Mr. Joshi, to look to his laurels ; because, if my Honourable friend Mr. Ghuznavi comes forward with such proposals, with such grievances of a very depressed class of public servants, then I am afraid my Honourable friend Mr. Joshi may lose his job in this House. My Honourable friend, as I said, was developing an ambition to become a Labour Leader. He found that the postal peons, the railway ticket collectors had already come under the protecting wings of my Honourable friend Mr. Joshi, and so he set about trying to find a suitable subject to take up in the House in order to establish his claim as a Labour Leader. Only the other day we were discussing the grievances of a rather equally depressed class of public servants, the Imperial duftaries, who also happen to be under the leadership of my Honourable friend Mr. Joshi. Now my Honourable friend Mr. Ghuznavi comes forward and places before us the harrowing tales of sorrow and privations of the Honourable Judges of the different High Courts. Sir, I flatter myself that I have a sort of dependable memory, but I do not remember to have come across any such question ever having been raised in this House during the last eight years that I have been a Memb.

of the Assembly. It may be that the learned Judges have only lately banded themselves into a trade union and appointed my Honourable friend as their spokesman. Sir, that is a comfortable thought to me, because I have no sympathy with Communistic ideals, and I should very much dislike the idea of the learned Judges falling a prey to the ministrations of Mr. Spratt, declaring a strike or resorting to sabotage, to which reference was made only yesterday by my Honourable friend Sir Hari Singh Gour. I very much hope that my Honourable friend's connexion with the latest trade union will keep the Judges out of harm's way and that we will have no occasion to add " judicial unrest " to agrarian and industrial unrest, which is one of the conditions laid down for taking action under the new security Bill which has been fathered by the Honourable the Home Member. Sir, as I said, during the last eight years nobody ever thought of bringing up this question. The Honourable Members have exercised their ingenuity on all sorts of questions, but never did it strike any Honourable Member in this House to bring up this particular question. My Honourable friend was talking of the economic difficulties of the learned Judges. May I remind my Honourable friend that only a few years ago an eminent Commission was appointed to go into the famine conditions that were supposed to be prevailing among the higher Civil Services in this country ? Need I say that I am referring to the Lee Commission ? Well, if my Honourable friend were to look up the Report of the Lee Commission, he would find that even that Commission, charged as they were with the duty of finding all sorts of excuses for raising the salaries and emoluments of the higher officers of the Government of India, did not find it possible to make any recommendation on the lines suggested by my Honourable friend. I have to admit that the question of the Judges' salaries did not arise in a direct manner, so far as the terms of reference of that Commission were concerned, but inasmuch as a proportion of the Indian Civil Service men have to be found seats on the Benches of High Courts, this question indirectly arose for the consideration of that Commission. If my Honourable friend will turn to page 109 of the Lee Commission Report, he will find a note signed by all the English members of the Commission, where they say that they cannot recommend any increase they were referring in that connexion to the remittance concessions which they were recommending for officers drawing a pay up to Rs. 4,000, and there they say :

" We cannot, however, recommend any increase for Judges of the High Court or Members of Council whose salaries are fixed by Statute."

That is the view which they took. If my Honourable friend will turn to the note of the Indian members of that Commission he will find that they took quite another view. They did not think it right to make any recommendation which would discriminate between the Indian and the European members of the judiciary. They particularly referred to the fact that it was only when a man was in the middle stage of his service that he stood in need of relief. This is what they say :

" The general trend of evidence given before us is that hardship is felt mainly in the middle married grades and that the officers in the earliest and latest stages are not hard hit."

Apart from that, my Honourable friend will find, if he turns to page 42, that the Commission considered the special pension of £1,200 per annum, after a short period of service extending only to 11½ years, as quite adequate for the Judges of the High Court. Therefore, in putting forward this claim to-day, my Honourable friend is trying to be more royalist than the

[Mr. K. C. Neogy.]

King himself, because, it can never be said that if there was any consideration which could be brought forward for the raising of the salaries of these high officials, a man like Sir Reginald Craddock would have omitted to mention it in his special note.

Now, Sir, I turn to section 104 of the Government of India Act under which the salaries and emoluments of the Judges of High Courts are fixed My Honourable friend will find that it is provided there that the Secretary of State may fix the salaries, allowances, and so on :

"and may alter them, but any such alteration shall not affect the salary of any Judge appointed before the date thereof."

So that, even if there were any increase, the present incumbents will not be benefited at all, because I do not think there will be any disposition on the part of any Honourable Member present here to question this interpretation of the expression "affect". Whether the salary is raised or lowered, it comes within the description of the word "affected", and therefore if the salary is increased, it will not benefit the existing incumbents. Thus, Sir, the trade union to which I have made reference does not stand to gain anything by any change which may be made as a result of the recommendations which this House may adopt. I thought, Sir, my Honourable friend was a very great friend of Sir John Simon. I remember to have seen a complimentary telegram addressed to him by that Honourable gentleman broadcast in Delhi. My advice to him would be to approach his distinguished friend in this matter and lay the case of the Honourable Judges, or rather instruct the members of the trade union of the Honourable Judges to place their case before the Simon Commission. I am very much afraid that my Honourable friend has mistaken his forum.

Sir, my Honourable friend was referring to the salaries enjoyed by the Executive Councillors and Ministers. My Honourable friend Mr. Roy has already pointed out that so far as non-official Indians appointed as Executive Councillors are concerned, they do not enjoy any pensions on the termination of their office.

Mr. A. H. Ghuznavi : What about the official members ?

Mr. K. C. Neogy : I am coming to that. I may remind my Honourable friend of one particular instance from which he will see that it is not exactly the salary that is the main attraction of a Judgeship. My Honourable friend, I daresay, knows Sir Ali Imam. He was a Member of the Executive Council of the Governor General. Shortly after relinquishing this appointment, if I am not very much mistaken, he accepted a Judgeship of the Patna High Court on a salary of Rs. 4,000 a month.

Mr. A. H. Ghuznavi : For only a month or two.

Mr. K. C. Neogy : It may be so, but it shows that there was nothing derogatory in the salary attached to a Judgeship, a point of which my Honourable friend was seeking to make too much.

Now, Sir, coming to Ministers, I know of instances in which Ministers have been voted only a rupee per month as salary. I do not think the analogy of Ministers' salaries was a very strong argument to bring forward in asking for an increase in the Judges' salaries.

Mr. K. Ahmed : That is what the Swaraj Government in future may think.

Mr. K. C. Neogy : My Honourable friend Mr. K. Ahmed has come to my help. Supposing it were open to a distinguished lawyer either to become a Judge of a High Court or a Member of the Executive Council, or a Minister in a Province. What would be his choice in this matter ? If he accepted a Judgeship, he would be sitting on that high perch and my Honourable friend Mr. K. Ahmed would be making his humble and respectful submissions from the Bar. Look at the other picture. There is my Honourable friend the Home Member, drawing a salary, I do not know, of how many thousands, and I see him every day that I am here, trembling in his shoes in trying to answer my Honourable friend Mr. K. Ahmed's supplementary questions. If a choice were given to a learned lawyer, I can easily imagine that he would readily agree to forego Rs. 2,000 a month rather than face the onslaught of my Honourable friend's supplementary questions.

Now, Sir, my Honourable friend Mr. Ghuznavi was referring to the splendid isolation in which Judges used to live in the olden days, and he was referring with great disapprobation to the practice which some of the Judges have of living in clubs in close association with executive officers. I am prefectly at one with him in condemning this practice. But may I remind my Honourable friend that the present Chief Justice of the Calcutta High Court, in spite of the fact that he gets a salary of Rs. 6,000 a month which is Rs. 1,000 more than is admissible to the Chief Justices of other High Courts, lived for a considerable period in a particular club sacred to the die-hard Britisher—official and non-official and it was only when this objection was brought to his notice by certain members of the Bar that he agreed to hire a house in Calcutta ? So that, Sir, even if you were to raise the salary of the Judges to Rs. 6,000, there is nothing to prevent them from living in clubs.

Mr. A. H. Ghuznavi : Instead of raising the salary you can give them a house allowance.

Mr. K. C. Neogy : It comes to about the same thing. My Honourable friend was giving the figures of 1866. I have not made any antiquarian research of that kind, but this much I think I can safely say that so many clubs were not in existence in those days.

An Honourable Member : Question.

Mr. A. H. Ghuznavi : Clubs were in existence in 1866.

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Even in 1832.

Mr. K. C. Neogy : Well, Sir, whatever it is, it all depends upon personal temperament. It does not depend upon the salary. You may pay Rs. 10,000 a month to a Judge, but that will not ensure the Judge being altogether impartial and independent.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Quite so.

Mr. K. C. Neogy : But here my Honourable friend seems to be thinking only of the European members. I should like my Honourable friend to tell me of any instance in which an Indian Judge has usually lived in a club. (The Honourable Member resumed his seat for a while.) May I take it that he has no such instance to give ?

Mr. A. H. Ghuznavi : I believe Mr. Hasan Imam lived in a club. I can give you a number of such instances. I will provide you with a list to-morrow.

Mr. K. C. Neogy : I will go into that with my Honourable friend to-morrow.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : Then the debate may be adjourned till to-morrow.

Mr. K. C. Neogy : Now, my Honourable friend wants this House to make a recommendation to the Government of India that the salaries of the Judges should be increased. But does my Honourable friend realise that the bill has got to be footed by the Provincial Governments and not by the Government of India ? Because, even in the case of the Calcutta High Court, which is under the administrative control of the Government of India, all its expenses have to be borne by the Government of Bengal. It will not, therefore, do for my Honourable friend to ask the Government of India to be charitable at the cost of the Provincial Governments. I dare say, my Honourable friend realises the very difficult financial position of the province from which he and I come, and I hope he will hesitate before making a recommendation of this kind for the acceptance of the Government of India.

The Honourable Mr. J. Crerar (Home Member) : Mr. Deputy President, my intervention in this discussion will be of the briefest, as I intend to confine myself to explaining very shortly the attitude of the Government towards this Resolution, and I do not intend to enter into the merits. Much of what the Honourable the Mover has said has a cogency and a force which, I think, will be admitted by Honourable Members whatever opinion they may hold upon the particular proposition which is put before them. No one will deny the immense importance to the country of the adequate discharge by distinguished lawyers of the great and responsible duties which fall upon the Judges of the High Courts No one will deny that to secure services of that high order the country will not lose by paying what is adequate. No one will deny, in view of the important duties which the Judges of the High Courts perform that it is desirable that their emoluments should be so fixed that they may be enabled to maintain the dignity which ought to attach to their high office. I am sure these are propositions with which none of us will disagree. I am not, however, prepared on behalf of the Government of India to announce to the House any definite attitude towards this Resolution. If the House desires to pass an opinion upon this matter we shall be very glad to be in possession of that opinion. But, we could not come to any conclusion without consultation with the Local Governments, because, as Mr. Neogy pointed out, the salaries of the Judges of the High Courts are defrayed from provincial revenues. It would be unfair, therefore, to proceed to any conclusions ; the Government of India would not feel itself justified in making any recommendations to the Secretary of State, who, as has been pointed out, is the final authority in this matter, without a close consultation with Local Governments. If, however, this House is disposed to pass an affirmative decision upon this Resolution, I shall be glad to send a copy of the debate to the Local Governments, who are concerned, and enquire their views in the matter. My attitude, therefore, is that the Government of India are not at present in a position, nor could they be without the enquiry to which I have referred, to come to any definite conclusions in the matter. But if the House desires to express an affirmative conclusion, we shall be very glad to take the action which I have indicated, namely, to consult Local Governments in the matter.

Sir James Simpson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I have pleasure in supporting this Resolution, and on behalf of my Honourable colleagues who sit on these Benches I would just like to say in a few words that we fully approve of and endorse the proposal for improving the scale of salary of all High Court Judges. I understand my Honourable friend Mr. Neogy is, in the midst of his many activities, connected with the Law. I would take it after the sparkling speech to which he has treated the House this morning that he has abandoned all ambitions to be raised to the dignified ease of the High Court Bench and that he prefers to continue in the spectacular limelight of the Labour Leader. (*Mr. K. C. Neogy* : "I have no such ambition.") My Honourable colleagues here and myself consider that the Honourable the Mover has fully made out his case and has proved that this increase is long overdue. If there is one body of our public servants who command our utmost respect and who possess our implicit confidence, it is the Judges of the High Courts and we ought to be prepared to pay them sufficiently in order to get the best class of men. The Leader of the House has told us that this is a matter for Local Governments and that they must foot the bill. And I dare say that it would also be necessary to consult the Secretary of State. I would invite the House to pass this Resolution unanimously so that the Leader of the House may send it down to Local Governments with the strong approval of this House and also stamped with the strong approval of his own Government.

I have much pleasure in supporting this Resolution.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, after the very ominous speech delivered by the Honourable the Home Member, committing the Government of India to nothing and throwing the burden upon this House, it becomes the serious duty of this House to consider whether this Resolution should be supported and what would be the consequences of supporting this Resolution. Honourable Members are aware that all provinces more or less have been working at a heavy deficit during the last four or five years and year after year we have been treated to provincial and inter-provincial discussions about the revision of the Meston Award. Now, law and justice have always been a reserved provincial subject, and if we were to pass a Resolution by adopting the Honourable the Mover's suggestion, the result of that would be an increase in the court-fees throughout the provinces concerned, and I ask Honourable Members here very seriously to consider whether they are in a position to face a rebuff, and pay extra court-fees upon litigation. The present state of court-fees is about the highest in the whole world, which is 7½ per cent., and 5 per cent. upon higher values.

If you increase the salary of the Judges, you will be muicted in still higher court-fees which is a provincial subject.

1 P. M.

Another point that Honourable Members must bear in mind before they support this Resolution is this. Honourable Members must remember that if they raise the salary of the Judges, they must, of necessity, have to increase the salary of the judicial establishments.

[Sir Hari Singh Gour.]

You cannot raise the salary of a man from Rs. 4,000 to Rs. 4,500 or Rs. 5,000 without raising the salary of the Registrar, the Deputy Registrar and the clerical establishments. If you raise the salary of the High Court Judge, the Home Member who controls him will immediately demand a higher salary because he will say that his duties are of a more onerous and responsible character. Then comes the Governor himself. He will say "Look at myself. What 4 is to 8, 5 is to 10. Therefore, you have to raise my salary too. I am also hard hit. It is not merely the Judges who have to keep up a costly establishment. We have equally to keep up a costly establishment and entertain the public." This is the thin end of the wedge. We have been stoutly resisting the recommendations of the Lee Commission. In spite of our recommendations, the country has been saddled with heavy taxation.

Mr. K. C. Neogy : In this matter the Lee Commission refused to make a recommendation.

Sir Hari Singh Gour : That Commission, while making all sorts of recommendations in favour of raising the salaries of certain superior services, deliberately refrained from making any recommendation in favour of the raising of the salary of the High Court Judge. It is only about three or four years ago that the case of the High Court Judges was placed before an extremely sympathetic, and I might almost say, magnanimous committee—a committee with no responsibility whatever to the tax-payer of this country beyond saddling upon it the heavy additional taxation which was the net result of its alarmist recommendations.

Colonel J. D. Crawford (Bengal : European) : Will the Honourable Member give me an idea of what a proficient Barrister gets at the Bar ?

Sir Hari Singh Gour : The Honourable Colonel Crawford has put me a question. What about the merchant princes who earn millions, may I ask ? There are members of the Bar who earn millions, but that is a precarious calling. When you are on the Bench, you occupy a position of power, of dignity and, I might almost say, of comparative ease. You cannot compare the emoluments of public services with the earnings in trade and in the professions. Therefore, the comparison cannot possibly be made.

Colonel J. D. Crawford : Can you get a good Barrister to take up a position on the Bench ?

Sir Hari Singh Gour : My friend has put me a very pertinent question. My answer is "Yes". I shall ask my friend another question. Do you think that a small paltry increase in the salary would make a difference to a successful barrister ? If you increase it to Rs. 4,250 or even Rs. 4,500, would that be a sufficient compensation ? Some interruptor asked the Honourable the Mover of this Resolution what was the salary of the Judges of the United States of America. He was not able to answer that question, but I can. I have got the Statesman's Year Book. You will find from it that the Judges of the Federal High Courts draw a salary of $5,000 per year or about Rs. 18,000 a year. The salary in the Supreme Court is $20,000. Now you are going to have a Supreme Court here ? (*An Honourable Member* : "Are we ?") The scheme of the Associated Chambers of Commerce and other schemes have recommended a Supreme Court for India. If you now raise the salary of the Judges of the High Court, you will also have to raise the salary of the Judges of the Supreme Court. America is the richest country in the world. The salary of the Judges there is in many cases less than the salaries in India. India is notoriously one of the poorest countries in the world. I therefore ask Honourable Members here most seriously to pause before they cast their vote in favour of this Resolution. I have every sympathy with the Judges of the High Court but, at the same time, remember that our sympathy to the Judges of the High Court should not make us oblivious of the poor tax-payer who is already ground down under taxation. Litigation is no longer and never was a luxury and the passing of a Resolution of this character would be a denial of litigation as it would inevitably lead to a large increase in the court-fees leviable under the Court-fees Act. Therefore, I most reluctantly but very emphatically oppose this motion.

Mr. Amar Nath Dutt : Sir, I rise to oppose the Resolution of my Honourable friend Mr. Ghuznavi and my reasons mainly are that the High Court Judges perform duties which do not require more salary than they already get and I may say that in a poor country like this, the salary of no official, be he a member of the Bench or be he a member of the Executive Council, should be more than Rs. 1,000 a month. I shall place before you facts in order to convince you that no increase of salary of the Judges is necessary. I ask you to consider the method of recruitment of High Court Judges. They are either recruited from the Civil Service or from the subordinate judicial service or from the members of the Bar. I shall first take up the case of the members of the Bar. It is optional to the members of the Bar to accept or not a seat on the Bench. If they think that they cannot forego their income of Rs. 20,000 or Rs. 30,000 a month and to do their duty to the country they need not come down to accept a salary of Rs. 4,000 a month. Only conscientious and dutiful men will accept the office at a sacrifice. As regards the subordinate judicial service the less said the better. Their salaries range from Rs. 800 to Rs. 1,200 per mensem. The Subordinate Judges do not get more than that, and when the Subordinate Judge gets an Assistant Sessions Judgeship or an officiating District and Sessions Judgeship for some time, he is elevated to the Bench of the High Court on a salary of Rs. 4,000. A man who having failed to secure a decent income at the Bar joins the subordinate judicial service on Rs. 200 or Rs. 300, and it is sufficient if he gets more than Rs. 1,000 or Rs. 1,200 at the time of his retirement. He did not expect more than that. And when he gets Rs. 4,000 it is more than enough for him. As regards the members of the Civil Service who are recruited to this branch of the service, if they choose to go to the executive side of the service, it is open to them. Why do they at all choose the Bench, the comfort of the Bench I should say, instead of the worry and trouble of an executive officer ? If they do so, I beg to submit they ought also to accept the salary which has been fixed, and which may be lower in future years—time and opportunity permitting Indians to attain Swaraj. I am surprised to find that in this matter the Resolution has come from a gentleman who has no connection either with the Bench or with the Bar, and one may be led to think that it is a very disinterested Resolution and for that certainly he deserves our best wishes ; and no one can ascribe any motive to him that he has either a son or a father or a father-in-law in whom he is interested, as my Honourable friend, Mr. Neogy, suggested.

Mr. K. C. Neogy : I never suggested that.

Mr. Amar Nath Dutt : But my suspicion is that there must be something behind it which has made my Honourable friend come forward with a Resolution like this. It may be the prompting of some friend on the Bench, it may be that some one in whom he is interested may have a case on the Bench and that case before a Judge who is in want : it may be to help people like these. But, Sir, one of the grounds that have been put forward for an increase in the salary is this, that they should be placed above all temptations. Now am I to understand that Judges who sit on the Bench are the victims of temptation, and are there instances that owing to their want they have accepted bribes ? Since the establishment of the High Courts, Sir, we have not come across any case of a High Court Judge who has been tempted to accept a bribe.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : Nobody has suggested that.

Mr. Amar Nath Dutt : So I think they are above temptation, and therefore this ground of placing them above temptation does not apply. But there is one temptation above which they ought to be placed but above which they cannot be placed by an alien Government. That is this, namely, going out of their way to help the Executive and terrorizing public men, as was the case the other day in the Patna High Court. (Hear, hear.) We have instances of Judges who forget their high office.....

The Honourable Mr. J. Crerar : On a point of order, Sir. Is the Honourable Member in order in referring to the conduct of a Judge of a court of law in that manner ?

Mr. Deputy President : He is not referring to the conduct of a Judge as a judicial officer.

The Honourable Mr. J. Crerar : I understand that he was referring to a statement made by a Judge.

Mr. Deputy President : He did not refer to such a statement at all.

Mr. Amar Nath Dutt : And attempt to suppress criticisms of decided cases. Sir, this is the type of men whom my Honourable friend wants to befriend and whose salaries he wants to increase. I appeal to every Indian to see that that type of Judges are suppressed and their salaries made such that they may not be tempted to accept such offices. (Laughter.)

Now, Sir, I would have been very glad if my friend, the Mover of the Resolution had taken up the cause of the lowerpaid clerks of the High Courts, but he would not do that. It is not necessary for him to do that. He comes to the rescue of the Rs. 4,000 men, but not to the rescue of the Rs. 40 or Rs. 60 men.

Then look at the work of these High Court Judges. How many days in the week do they work ? They work only five days in the week, and that for only five hours.

An Honourable Member : Some of them sleep.

Mr. Amar Nath Dutt : Some of them were asked whether they would work on Saturdays and they refused. You will also note that often where two Judges sit in order to decide a case, one of them sleeps and the other

at times only heckles the lawyers, and then comes to judgments which are at times far inferior to those of the members of the subordinate judiciary, as will be seen from the various reports of the Privy Council where the judgments of High Courts have been set aside and the judgments of the subordinate judiciary have been restored.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : On a point of order. Is it proper for the Honourable gentleman to pass an indictment of that kind in this House ?

Mr. Deputy President : Mr. Amar Nath Dutt.

Mr. Amar Nath Dutt : Sir, this is relevant in this way. My argument is that the class of men who are recruited to the Bench do not deserve even Rs. 4,000 and therefore I was discussing the question of the quality of their work. My friend on the other side says that the salary of Judges in every other country has been increased, but he has been quite discreet in not giving us the amount of salary that Judges in other countries of the world get. Sir, you will be pleased to see that such eminent lawyers as Sir Hari Singh Gour, my Honourable friend, Mr. Neogy.....

Mr. Gaya Prasad Singh : And yourself.

Mr. Amar Nath Dutt : That is, those who are lawyers are opposing this Resolution while laymen are supporting this Resolution. Even the Honourable the Home Member has kept his mind open in this matter, and it is very right and proper for him and I appreciate his disinterested attitude in this matter. But one thing shows which way the wind blows, " that it is for you to say that you want things like this and then we shall go on with the recommendation which will increase their salary ", or something like this. So, Sir, it is our paramount duty in this House to oppose this Resolution and show to the Government that really we are not in favour of a Resolution like this and convince thereby the Home Member and the Government that there need be no such inquiry as he proposes to make from the Provincial Governments whether or not the salaries should be increased : and in doing so I would request the Government at least not to vote in this matter so as to show that they are really disinterested. They should not put in pleas of disinterestedness and then throw the whole blame upon us when it is passed and say, " You passed a Resolution like this....."

Mr. K. C. Neogy : If the question is raised at all, it should be considered whether the Judges' salaries should not be reduced.

Mr. Amar Nath Dutt : So I hope that the Honourable the Home Member will send a whip to all the official Members not to vote on this Resolution and that he will allow the matter to be decided according to the votes of the non-official representatives of this House.

The Honourable Mr. J. Crerar : Sir, with your permission, I should like to state at this stage, that, in view of the attitude which I took in the matter, namely, that Government could not commit itself to any definite conclusion, it is the intention that official Members should not vote in any division on this Resolution.

***Mr. C. S. Ranga Iyer** : Sir, it is with a certain amount of nervousness that I listened to the speech of the previous speaker when he launched an attack on the High Court Judges, when he launched an

*Speech not corrected by the Honourable Member.

[Mr. C. S. Ranga Iyer.]

attack on their inefficiency, on their incompetence, on their insomnia or rather on their sleepiness Sir, I thought the Honourable gentleman was not in a responsible Legislature ; I thought he was indulging in a sort of drawing room conversation after an excellent dinner. Sir, that is a speech that I strongly repudiate. I repudiate the reflections on the High Court Judges of India. Sir, the High Court Judges of India have performed their duty in a manner of which India and Great Britain and the Empire and the civilized world may be proud. Sir, the Judges of India are, alike on the point of impartiality and on the point of competence, worthy of their place in any part of the world. All those reflections, coming as they come from this side of the House, must be repudiated by me because I do not think they reflect the opinion of everybody on this side of the House.

An Honourable Member : What about Justice Terrell ?

Mr. C. S. Ranga Iyer : I hear a voice from Orissa which is in the neighbourhood of Bihar. Sir, a prophet is not always honoured in his own country. I do not have the privilege of knowing Mr. Justice Terrell. I have read the judgment of Mr. Justice Terrell ; I have also read rather carefully the statements that appeared, the observations that were made by certain learned advocates in a particular case. Sir, the judgment has been delivered, comments have been made in the newspapers. I for my part am not here to pass any judgment on Justice Terrell. I for my part am of opinion that Justice Terrell is perfectly entitled to make whatever observation he thinks fit in his capacity as a Judge. If, through a certain lack of tact, if by necessity he made certain observations on certain aspects of life, I am sure the Honourable Member from Bihar will be satisfied that he has also been criticised in the Press as well as elsewhere. Whether I share in that criticism or not is not a matter which is germane to the issue.

Mr. Gaya Prasad Singh : You are just like the Home Member, non-committal in your attitude.

Mr. C. S. Ranga Iyer : Another Honourable Member from Bihar is expressing his opinion against my unwillingness to make a pronouncement on Justice Terrell. Suppose Justice Terrell were as bad as two gentlemen from Bihar or from the neighbourhood of Bihar would like to make out ; suppose he were guilty of all that they would like to say. I would like to ask, does one swallow make a summer ? Suppose Justice Terrell were as bad as he is painted, can you say the same of all the High Court Judges in this country ? I for my part refuse to make that statement ; I for my part refuse to draw general conclusions from a single particular incident ; I for my part even refuse to take notice of that particular incident because that does not help the view point that I want to present to this House.

In regard to the increase of the salary of the High Court Judges I am at one with my Honourable friend from Nagpur. I do not think, Sir, that India can afford to increase the pay of the High Court Judges ; not because they are not competent. I would have been tempted to support the Honourable Member from Bengal if instead of salary he had said " house allowance ". But I am to-day dealing with the Resolution as it appears on the paper. I would certainly be willing to make it convenient for High Court Judges to live not in clubs but in

their own bungalows. But, unfortunately, I see no such amendment on the paper, and I have to deal with the Resolution as it appears on the paper. Sir, I do think the High Court Judges are among the most hard-worked people. I do think they are entitled to consideration. But, unfortunately, taking the totality of circumstances into consideration : taking the fact of life as it exists in India : considering the difference in the standard of life between highly paid officers and low paid officers : I think there should be a general increase of all standards of life. I think this question should not be isolated. I think the whole question has to be gone into, beginning, say, with labour. And here I was delighted to listen to the observation of my friend from Madras who referred to the spectacular lime-light in which Labour leaders moved. I do not know if the Honourable the Mover of this Resolution appeared in that light, because I did not listen to the whole of the speech. But I would like to treat even High Court Judges as coming under the category of honest labour. I want the whole question of labour—from the humble labourer to the highly paid labourer, the impartial labourer, the High Court Judge—I want the whole question to be gone into because there is a good deal of discontent in the country, even in the higher services. I know that members of the higher services do find it difficult to maintain their standard of life, and even the members of the lower services find it difficult to maintain their standard of life. I think, Sir, the whole question has to be gone into by the Government and the excellent attitude that has been taken on this subject by the Home Member—I do not share the opinion of my friend from Nagpur who described it as menacing : I should call it a very excellent attitude—the attitude taken by the Home Member encourages me in thinking that the whole question will be gone into. Incidentally, I may point out, not by way of embarrassing the Mover of the Resolution as much as by way of presenting a fact to this House, that the Chief Justice of Australia, who is also the Lieutenant Governor, gets £2,500 a year. And when Australia does not pay any higher than we do, it may be urged with a certain amount of reason why there should be an increase of the pay of High Court Judges here without also taking into consideration at the same time the question of increasing the standard of life of all those who are working in the Judicial Department. From the bottom to the top, I think the whole question has to be considered as to the advisability of increasing the pay of everybody concerned. If the Government would go into that question in that manner I think they would considerably satisfy the discontented people in the Judicial Service. Sir, the author of that fascinating book " The Lost Dominion ", who was, I think, a learned Judge himself, said that members of the Indian Civil Service are banished into that penal settlement called the Judicial Service. That observation, Sir, though anonymously made, tends to lend colour to the statement of the Honourable the Mover of the Resolution that there is discontent throughout the service. It is a matter for the consideration of the Government whether their salary should not be increased.

One or two questions put by the Honourable and gallant Member who is not present in his seat may be answered. He referred, Sir, to the fact that a barrister draws a larger income from his practice than a High Court Judge gets by way of salary. But, Sir, is it not the

[Mr. C. S. Ranga Iyer.]

case even in England ? Was it not a fact, Sir, that that distinguished barrister, Sir Rufus Isaacs, was drawing a much more fabulous income as a practising barrister than when he went to the *gadi* of the Lord Chief Justice of England ? That is the case all the world over and I think barristers will not be found wanting to make that sacrifice for the prestige of their own profession, for, Sir, I think it is a legitimate ambition of every barrister to conclude his legal career as a Judge. With these observations, Sir, I bring my speech to a close.

The Assembly then adjourned for Lunch till Twenty-Five Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Twenty-Five Minutes to Three of the Clock, Mr. President in the Chair.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : Sir, I had no intention of intervening in this debate, but certain remarks which have been made by some of my Honourable friends leave me no option but to ask your permission to make one or two submissions in regard to them. It is to be deeply regretted that certain Honourable gentlemen have considered it right and proper to cast reflections on High Court Judges and on High Courts generally. It is perfectly easy for any Honourable gentleman either to support this Resolution or to oppose it without exposing himself to the charge of not approaching the question in the proper spirit. I venture to submit, Sir, that a tradition ought to be created that, as far as possible, High Courts and High Court Judges should not be lightly drawn into the debates on the floor of this House. I venture to submit that no one will be prepared to assert that on the whole the High Courts in India have not discharged their duty satisfactorily and properly. It may be that certain Judges in a fit of forgetfulness permit themselves to make extra-judicial statements. I wish to assure the House that I deplore those statements as much as anybody else, but they do not justify any one attacking the High Courts and the High Court Judges as a whole in the manner in which they have been attacked.....

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Why not ?

Munshi Iswar Saran : My Honourable friend says, "Why not". For the simple reason that if you in this House try to detract from the position and the dignity of the High Court, you really do all that lies in your power to shake the confidence of the people in the justice that is being administered to the various parties that appear before the High Court without fear or without favour. That is the reason why we should not attack them. Yes, those of us who are by temperament, fond of attacking, might very well attack the Members of the Executive Council to their heart's content, and I shall have no objection to that. But I submit, Sir, that the High Court Judges should be left alone. I do not think it is necessary for me to dwell at greater length on this aspect of the matter. It is enough that I have recorded my protest against the kind of remarks that certain Honourable Members have permitted themselves to make on the floor of the House.

Now, the question is, shall we increase the salary of the High Court Judges ? The reason of some of my Honourable friends is that, if we increase the salary, we may be able to induce really the top men to take High Court Judgeships. Sir, I venture to think that that is not a sound argument. If you take a top man, the increase of the salary, say from Rs. 4,000 to Rs. 5,000 or even Rs. 6,000, will not be enough to induce him to accept a High Court Judgeship. A High Court Judgeship is accepted either for the comparative rest which it affords to the man who accepts it, or certain men are drawn to the post by the dignity of the position which a High Court Judge rightly enjoys, or there are again men who take up High Court Judgeships at great pecuniary sacrifice in order to discharge what they consider to be their duty. I therefore submit, Sir, that a mere increase in the salary by the paltry sum of Rs. 1,000 or even Rs. 1,500 will not be enough to induce a man like Pandit Moti Lal Nehru or Sir Tej Bahadur Sapru or men of that class to take it up.

Then, I am told,—I was not present here, I am sorry,—that the Honourable the Home Member—I am not attacking him—has given a warning to us that the bills of the salaries of High Court Judges have to be paid by the Provincial Governments, and I have it on the authority of my friend Mr. Neogy that in Bengal where the Chief Justice gets a salary of Rs. 6,000—other Chief Justices, I think, get only Rs. 5,000—a house was being built for him as his official residence, and when the matter came up before the Bengal Council, they turned down the proposal with the result, as my friend tells me, that the roof could not be put on the walls, and that the land, together with the unfinished building, had to be sold. If that is the attitude of the Provincial Councils, I wish to ask my Honourable friends here to be very careful before they pass this Resolution. My Honourable friend also told me that in that case Government did not think it proper to certify that particular item which they could have very easily done. Certification, Sir, as you know, is a matter now of no very great difficulty. Certifications come very easily, and if the Governor of Bengal had been convinced of the urgent necessity and importance of the item which had been rejected by the Local Council, one ventures to think that the Governor of Bengal would have certified this amount. When I say that certifications come easily, an Honourable friend on the other side shakes his head. I suppose my friend who sits on the official Benches expects them to come with greater frequency and only then he will feel that there is not very great difficulty about certification.

I venture to think, Sir, as far as this Resolution is concerned, Honourable Members of this House will, before voting on it, take into consideration the fact that, while we make the proposal it is really the Provincial Governments which have got to pay, and if the Provincial Governments are reluctant to pay, then our Resolution, like all other Resolutions, will remain as a pious wish expressed by this House.

I, Sir, oppose the Resolution.

Mr. Ram Narayan Singh : Sir, I oppose this Resolution and beg of the House to reject it. My Honourable friend Sir Munshi Iswar Saran

.....

Munshi Iswar Saran : I am not a Knight.

Mr. Ram Narayan Singh : I withdraw it. My Honourable friend Munshi Iswar Saran said that a tradition must be created in the country so that the High Court Judges may be above all criticism. But, I think, Sir, this is impossible as long as the High Court Judges are recruited from a foreign country. What is the position of this country to-day ? Even a briefless barrister in the Patent Office in London may be appointed as the Chief Justice of a High Court in this country, if he happens to be in the good book of the Secretary of State for India. Sir, when it is said that High Court Judges must not be criticised and attacked, they must be above all suspicions. The Honourable the Mover has said, " on justice depends any Government organization ".

That is all right ; but where is the justice in this country ? I think the High Courts are established in this country not to administer justice but to terrorise people so that they will not act against the Government (*An Honourable Member* : " No "). Well, I quote certain passages from the judgment of a High Court Judge, and you will see whether the judgment is written by a qualified man or by quite an ordinary man in the street. Sir, this is a passage from the judgment of a High Court Judge :

" The subject of the charge is a silly little article in an insignificant little paper written by a silly noisy little man."

This is one passage. Then there is another passage :

" It is, in short, a biological product and is not the result of political conditions."

The Honourable Mr. J. Crerar : Sir, on a point of order, is the Honourable Member in order ?

Mr. President : I think the motion deals with High Court Judges in their judicial capacity alone.

Mr. Ram Narayan Singh : Sir, I bow to your ruling. But I do not understand why, when there are people in the House who have been allowed to talk in favour of High Court Judges, why am I not entitled to say something which may be against them ?

Mr. President : Because you have passed certain Standing Orders.

Mr. Ram Narayan Singh : However, Sir, I may very well say that such a judgment, though written by a High Court Judge, is a silly little product of a silly little mind. If this is the judgment of a High Court Judge, I think the man ought to be dismissed at once if there is any justice in the country and if the Government cares to do justice to the people. I may refer my Honourable friends here to the judgment written by the Chief Justice of the Patna High Court in the Mahabir sedition case, which they might have read.

Sir, I have nothing more to add, but I say that the high salaries in this country are already a disgraceful affair so far as the condition of the masses of the people is concerned. Millions of people are starving in this country. I say, several millions of them are living on roots and leaves of trees from the jungle, and here I find that several thousands are being pocketed by each member of the bureaucracy every month. Sir, this is all a disgraceful affair, and I do not think there is any justification to increase the salary of the High Court Judges who are already getting much more than they deserve. With these remarks I beg of the House to reject this Resolution.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, I wish to take part in this debate because I have some experience of the High Court and I do think that this motion is wholly gratuitous and should not have been brought before this House. I do not see why the present salary of the Judges of the High Court is not adequate. We are all men who have some business habits and we know what expenses we have got to meet and we have got to keep up a certain standard of comfort. We know these things, and with a full sense of responsibility, with as full a sense of responsibility as sometimes flows from the Treasury Bench, I assure the House that the present salary of the High Court Judges is ample, and there is not the slightest necessity for increasing it by a single rupee or a single pie.

The whole question really is, whether the best men are attracted by the existing salary. That is not a question that is answered by raising the salary by a thousand or two thousand rupees. If by the best men you mean the men who get the biggest incomes at the Bar, they certainly will not be attracted by raising the salary by one or two thousand rupees. Their income must be four or five times, and sometimes even ten times, that of High Court Judges. That sort of men will not be attracted. I do not know either that it follows that the men who get the best income at the Bar are necessarily the best men to be recruited for High Court Judgeships. I have known that the best advocates are not necessarily the best Judges, and the men with the best incomes do not necessarily make the best Judges, and therefore it is not to be supposed that there is any connection between the income which a man makes at the Bar and his capacity to discharge worthily the functions of a High Court Judge. The whole thing is misconceived. The fallacy is that if you raise the salary by a thousand or two thousand rupees, you will straight away get better Judges. It depends entirely on the selections. If the Honourable Mover of this Resolution is dissatisfied with the actual selection of the Judges, then he must find the cause elsewhere,—that the patronage is not in proper hands or that the patronage is not properly exercised, or that there must be some other reason, such as that the appointments are made not necessarily on grounds of efficiency but on other grounds. These are questions on which there has been considerable divergency of opinion,—and opinions have been expressed both in this House and elsewhere, but I do not wish to take part in that discussion because I do concede that there are many good Judges, some bad Judges and some indifferent Judges. It will not do to cast a reflection on Judges generally and I do not propose to take that line. But taking the proper line in this matter, I do suggest that this is a most ill-timed motion, when we want money for various purposes and when it is not a question of gift or generosity, but a question of whether it is really necessary to pay Judges more. I say the existing salary of Rs. 4,000 is very much more, not only than a Judge deserves, but than an Executive Councillor deserves, or any man in India deserves. I think there should be a maximum salary for any State official. I do not want that it should be £22½ a month or Rs. 300, as in Soviet Russia but I do suggest it should be fixed at Rs. 1,000. And when Indianisation sets in, unless Indians agree to a reduction of salary, it is not possible to eliminate the difficulties of the position. You want Europeans to get more salaries in order that you may get more salaries : thus an unwholesome competition is kept up. This is not the way to do it. Therefore, Sir, the whole thing

[Mr. S. Srinivasa Iyengar.]

is really whether the best men are not attracted by the present salary. I say as good a man as you can get can be got for Rs. 4,000. But if you are dissatisfied with a Judge here and a Judge there, the reasons ought probably to be found elsewhere and not in the matter of salary. If you reduce the salary by a thousand rupees you will get the very same men and equally good men. I am perfectly certain that if a Bill is brought in and the salaries of Judges are reduced, say by a thousand rupees, all the existing Judges will not retire and will not send in their resignations. That after all is the test. Because the Government tell us the competition rate is the proper rate : you can get men for the pay you are offering. Well, you can get men for the present salary, and without casting the slightest disrespect on the many eminent Judges in the various Courts, and without referring to any flaws in the constitution of any particular High Court, I may say that the Honourable Member is not right in making himself their champion. It is true he entered into an elaborate and eloquent plea of how he had no personal axe of his own to grind, but why on earth he takes up this attitude, I cannot understand.

The time of the Assembly ought to be very much better spent than in devoting it to a consideration of this most injudicious question whether the salary of Judges of High Courts ought to be increased or not. Judges in the land ought to be independent. They ought to know that once they accept the appointment there is neither promotion, neither increase nor decrease in the salaries. Many constitutions of the world have accepted the principle that there should be neither reduction nor increase in the salaries of Judges of High Courts. They ought to know that their salaries are stable. That is the way in which the judiciary ought to be recruited and maintained. It is wholly wrong to give to the Judges the idea that their salaries can be increased by means of a motion made in this Legislature. They will then go round and ask Members to move motions any they will canvas votes. That is a most inappropriate kind of thing to do. I do not know whether the Judges themselves relish this motion. I suppose they will disown that they want their salaries to be increased. I do not suppose they made any application to the Honourable the Finance Member or to the Honourable the Home Member or to the Viceroy for the purpose of an increase in their salary. Therefore it cannot be said that they have a grievance and unless this grievance is redressed, they will go on strike and the judicial administration will come to a standstill. I therefore, Sir, without entering into the numerous and very pertinent observations which some of my friends on my side have made and without expressing either disagreement or agreement with those observations, wish to conclude by appealing to the House to resist this sort of motion which is merely made—I do not know for what purpose—which is merely made at the instance of some Judge or other of the High Court who perhaps does not deserve to be a Judge of the High Court. Unless it was made at the instance of a High Court Judge I cannot understand how such a motion comes to be made, and I suppose the Honourable Member will certainly repudiate my suggestion, and I accept that repudiation in anticipation. There is not the slightest doubt, however, that the suspicion will be there in the country and it is not right to encourage Judges to expect that in the year of grace 1928 they will get Rs. 1,000, and in the next year they will get another Rs. 1,000,

and so on. If so, they will go on making applications. I do not wish to add anything further except to say that I have got very great respect for all the High Courts and most of the Judges, and I do believe that the Judges themselves in the first instance will agree with me, and if this Resolution were circulated for their opinion, they would certainly not want any increase of salary. They will perhaps explain why they want an increase, if they want it. At the present moment no grounds have been given either by way of rise in prices or of any other kind, or that they have got to employ a larger staff of servants or live in palaces or own half a dozen motor cars. I have not been able to understand the reason why they want an increase. Rs. 4,000 is quite ample for a Prince in this land to live on. I cannot understand why Rs. 4,000 is not sufficient and why public money should be wasted in this manner. We can get quite good Judges for Rs. 3,000 or Rs. 2,500 or even for Rs. 2,000. I have not the slightest doubt about it. I would therefore appeal.....

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : How much would you accept if you were made a Judge of a High Court ?

Mr. S. Srinivasa Iyengar : I would accept Rs. 1,000 or even Rs. 500 or even honorary for that matter, if you ask me to serve in a Swaraj Government, I will then do so with the greatest pleasure. I speak with the fullest sense of responsibility. It is an idle thing, it is a criminal thing—extravagance is criminal—to waste money in this fashion. Suggestions are made that High Court Judges will have to be increased because their work increases, because one Judge is entertained another will have to be entertained, and then temporary Judges are made permanent. I find the tale of Judges grows longer and longer day by day. The High Courts are not able to get through their work expeditiously. There is no disposition on Government's part to curtail the number of Judges. In this state of things what is the responsibility of any private Member in this House in making this motion ? And after all, this Resolution ought to come from the Government, because the question of public expenditure and matters relating to services, etc., ought to come from the Government. This is not a social service. This is not an unofficial matter. Private members, non-official members, have no right, I submit, to bring forward a Resolution of this kind. Technically perhaps they can, but they have no right to deal with this question. It is a matter really for the Government to bring forward. If Government want to make any such proposal, let them do so ; let them take the responsibility. But let them not get—I do not suggest it—let them not get a private Member to move a Resolution and remain neutral. I expect the Government Benches to vote against this Resolution.

Mr. A. H. Ghuznavi : Sir, I think it is high time that we brought this debate to a close. (Hear, hear).

Mr. Gaya Prasad Singh : It was unnecessary.

Mr. A. H. Ghuznavi : I am grateful, Sir, to my Honourable and gallant friend Mr. Ranga Iyer. (*An Honourable Member* : "How is he gallant ?") for his reasonableness, for the sweet and reasonable speech which he has delivered to-day. Of course, although the express wording of my Resolution does not mention house allowance, the spirit

[Mr. A. H. Ghuznavi.]

of the Resolution embraces house allowance, and, Sir, I should be only too glad to accept any amendment which my Honourable friend moves on the lines which he suggested. (*An Honourable Member* : "Where is the amendment ?"). As to my Honourable friend Sir Hari Singh Gour, I am not at all surprised at his opposing my Resolution. He has got the Supreme Court in his head and he is afraid that the salary of the Judges of his unborn darling child may be affected if an increase in the salaries of High Court Judges is given. I am sorry he is not hearing me.

Sir Hari Singh Gour : I am hearing you.

Mr. A. H. Ghuznavi : Coming to my Honourable friend.....

Sir Hari Singh Gour : Is that all you have got to say about me ? What about the court-fees that will be raised ?

Mr. A. H. Ghuznavi : Why should they be raised ? Coming to my Honourable friend Mr. Amar Nath Dutt, I do not think I should take his remarks seriously. He would like to have Judges without salaries, Honorary Judges like Honorary Magistrates. I am not opposed to his suggestion, but I would humbly advise him to give effect to it after the dawn of the millennium under the Swaraj Government. It is true that the salary of Ministers is reducible to one rupee or nothing, but does not affect my argument that the creation of the offices of Members of Executive Council whose salaries cannot be reduced and that of Ministers have adversely affected the position and status of the Judges. From my friend's occasional remarks, occasional lapses in this House addressing the Chair in a form familiar to the lower courts it is not unkind to presume that his practice has been miles away from High Courts. (Laughter). Therefore, his knowledge of High Court Judges is obviously based on secondhand information which is not always accurate, and in the present case it seems to me to betray a woeful lack of taste.

Mr. K. C. Neogy : What about your own secondhand facts obtained from the Judges ?

Mr. A. H. Ghuznavi : I am coming to you presently. My gallant and Honourable friend, Mr. Neogy, (Laughter) has substituted satire, sarcasm and affected witticism for sound logic. He has advised me to address the proper forum, namely, Sir John Simon. Thanks. I would thank him for his gratuitous advice and I hope I will profit by it. He has referred to Sir Ali Imam's acceptance of a Judgeship. Does my friend know that he has been indirectly supplying the case in support of my Resolution ? (*Mr. K. C. Neogy.* Who are the others ?). Just a minute. Sir Ali Imam, who stuck to the office of Law Member for over five years, found it impossible to stick to the uncomfortable position on the Bench for more than six months, and he quickly jumped from it to the Membership of the Executive Council of Bihar.

Sir, I am also grateful to my Honourable friend, Munshi Iswar Saran (*Some Honourable Members* : "Not gallant ?"), and I thank him for entering a protest against the reflection upon the Judges of the High Courts by certain Honourable Members in this House. I am not surprised at his doing so, for that is what is expected from a level-headed.

Sir, only word to the ex-Advocate General of Madras, my Honourable friend, Mr. Srinivasa Iyengar. He has forgotten entirely, I believe he was not in the House when I made my speech, that the salaries of the Judges have not been revised since 1866. Even in 1899 the salaries were exactly the same as they were in 1866. Practically for 60 years the salaries of the Judges have not been revised and no notice has been taken by any Committee or Commission regarding those salaries.

Sir Hari Singh Gour : This contradicts your main speech.

Mr. A. H. Ghuznavi : No. I meant "not been increased" I stated that they were not increased and they have almost remained at the same level since 1866. That is my point. Well, Sir, I would ask one thing of my Honourable friend, Sir Hari Singh Gour. If an Executive Council Membership were offered to him and also a Judgeship, will my Honourable friend tell this House which one he would accept ? (*An Honourable Member* : "The latter".) I am sure that is not his view. (*Mr. Jamnadas M. Mehta* : "He will be offered neither of the two".) (*An Honourable Member* : "He would like to go to the Supreme Court.") He will not be offered a Judgeship because he is over age. That is the reason. He has no chance for a Judgeship or for a Judge's salary.

Sir, with these words, I would ask the House to carry this Resolution, if possible, unanimously (*Some Honourable Members* : Oh !) or at least to pass it by a large majority. (*Some Honourable Members* : "Withdraw". *Sir Hari Singh Gour* : "Otherwise it will be thrown out". *An Honourable Member* : "Withdraw as you have made your speech".) I will not withdraw.

Mr President : The question is :

"That the following Resolution be adopted :

'This Assembly recommends to the Governor General in Council that steps be taken for improving the scale of salary of all High Court Judges'."

The Assembly divided :

AYES—22.

Abdul Qaiyum, Nawab Sir Sahibzada.	Mukherjee, Mr. S. C.
Alexander, Mr. William.	Rafique, Mr. Muhammad.
Anwar-ul-Azim, Mr.	Rajah, Rao Bahadur M. C.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Saiyid.	Sassoon, Sir Victor.
Chatterjee, The Revd. J. C.	Shah Nawaz, Mian Mohammad.
Cocke, Mr. H. G.	Shervani, Mr. T. A. K.
Crawford, Colonel J. D.	Simpson, Sir James.
Ghuznavi, Mr. A. H.	Suhrawardy, Dr. A.
Gidney, Lieut.-Colonel H. A. J.	Sykes, Mr. E. F.
Lamb, Mr. W. S.	Yamin Khan, Mr. Muhammad.
Mohammad Ismail Khan, Haji Chaud-	Zulfiqar Ali Khan, Nawab Sir.

NOES—47.

Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. Varahagiri Venkata.
Kidwai, Mr. Rafiq Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Neogy, Mr. K. C.
Phookun, Srijut Tarun Ram.
Rang Behari Lal, Lala.
Ranga Iyer, Mr. C. S.
Rao, Mr. G. Sarvotham.
Roy, Rai Bahadur Tarit Bhusan.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Rananjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Tok Kyi, U.
Yakub, Maulvi Muhammad.

The motion was negatived.

RESOLUTION *RE* EDUCATION OF GIRLS AND WOMEN IN THE TERRITORIES ADMINISTERED BY THE CENTRAL GOVERNMENT.

Mr. President : Sardar Jowahir Singh.

The Rev. J. C. Chatterjee (Nominated : Indian Christians) : Sir, the Honourable Member is absent from the House and he has already requested you in writing to kindly permit me to move the Resolution in his name. Therefore, Sir, with all due respect, I request your permission to move the Resolution that stands in the name of my Honourable friend.

Mr. President : The Rev. J. C. Chatterjee.

The Rev. J. C. Chatterjee : I beg to move the following Resolution :

"This Assembly recommends to the Governor General in Council that he be pleased to sanction a substantial grant, capital as well as recurring, for the furtherance of girls' education in the centrally administered territories, and that as a first step towards this, a well staffed and up-to-date college be established for the training of women teachers.

This Assembly further recommends that a competent Committee, including prominent women, be appointed to go into the subject and to make a report."

This Resolution which by your indulgence I have the privilege to move is concerned, I believe, with what is the most vital of our national problems, namely, the furtherance of women's education on right lines and to some extent bringing within the reach of girls and women of this land the benefit of education which is the birthright of every citizen in a civilised country. I believe, Sir, that the problem of the education of our girls is far more important than any other national problem, and when one hears so many discussions taking place, bitter struggles for the demand of self-government, many committees sitting to write reports, constitutions being drawn up, men saying hard things to each other, it seems to me that there is somewhat of an unreality in all these wranglings, for, Sir, I ask how can any country attain to full responsible government or Swaraj when it is only working as it were with only half its man-power. I believe that so long as we do not bring education to our people, and especially to our womanhood, we shall never be able to settle our national problems, we shall never be able to attain Swaraj or self-government, and even if some fairie could give it to us, that self-government could be sustained so long as the better half of our nation is not educated and is not sensible to its responsibilities or its opportunities.

The Resolution which I have just moved is divided into three parts. I shall endeavour, as briefly as possible, to show the importance and the necessity of each part. The first part of the Resolution asks the Governor General in Council to sanction a substantial grant, capital as well as recurring, for the furtherance of girls' education in the centrally administered territories which, as we all know, comprise the Province of Delhi, the North-West Frontier Province, Ajmer and Coorg. I know that my Resolution of necessity must be confined to these provinces as education is a transferred subject in the other provinces. I do not believe that the Central Government which ought to set an example and give a lead to Provincial Governments in all matters relating to nation-building has in this matter of women's education given a lead in the centrally administered territories. For instance, the Punjab does a great deal more for education than any of the centrally administered territories under the Government of India's direct control. Then, Sir, there is another point. Government have acknowledged on all occasions that they have the greatest sympathy with women's education, but it is difficult to realise that they have done all that they could have done or should have done in this matter. For instance only last week, Mr. P. W. Marsh, I.C.S., Collector and District Magistrate of Aligarh, when opening an Anglo-Vernacular Girls' School in that town said that till now the education of women has depended almost entirely on private generosity. Now, Sir, I shall quote a very few figures and show that that statement is not by any means exaggerated. I take my figures from the official report just issued by Government for Education in 1925-26, and in that report we are told that in the whole of British India there are 176,000 educational institutions of all kinds for the education of males, whereas for the education of women and girls there are only 27,110 educational institutions of various kinds. Sir, I do not in the least contend that the number of educational institutions for boys is sufficient. We all know that in an enormous country like ours this number is hopelessly inadequate; but it is surprising that, as the result of the combined efforts of Government, of local bodies and private effort in this country, the number of girls' schools in the country is hardly a seventh of the number—the very meagre number—of boys' schools in the land. We find that for every ten schools for boys, there is not even one for girls. The proportion would be just under one. Then, again, if we go on to the question of national expenditure on education, we find the disparity just as great or even greater. In the same year 1926 Rs. 14,12,85,861 were spent

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from all sources on the education of males, whereas only a little over Rs. 2 crores was all that could be found for the education of women and girls. Considering that the education of girls in this country is so far behind that of boys, the reasonable and the logical course would have been that we should spend seven times as much on the education of women and girls and provide seven times as many institutions for the education of women and girls as we can do for the boys and men of this country. Now, Sir, my gallant and Honourable friend from Nagpur has some-time referred to the women of this country as the depressed classes. Far be it from me, that I should characterize the fair sex of my country as the depressed classes—to say the least, it would not be quite safe for me—but I may be pardoned when I maintain that at all events in the matter of education the vast majority of women and girls of this country are very backward. Now, Government rightly and at all times profess, and also try to give effect to their professions, to help the backward communities. Therefore it stands to reason that they should do their utmost to help forward the education of what I may with a certain amount of trembling and hesitation describe as the most backward community so far as education goes. But that is not what really happens in practice. If we take the figures given in the report that I have quoted from, we find that in the case of boys' education Government contributes 46.9 per cent. of the total expenditure on boys' education. In the case of girls' education private effort has to find no less than 23 per cent. of the total cost of girls' education, whereas in the case of boys' education private effort is responsible only for 12 per cent. of the total expenditure. Government contributes to the cost of girls' education only 45 per cent. of the total cost on education. I maintain, Sir, that to be fair, Government ought to contribute something like 200 per cent. of what is contributed by private sources for the education of girls, which is so backward. Every one here more or less realizes the extent of our national disaster because of the illiteracy and the ignorance of the vast majority of the women of this land, but I wonder how many people do realize fully the exact degree of that terrible disaster. I find that in the year 1916 there were only .9 of the womanhood of India who could at all read or who could be described as literate ; that is to say, not one in a hundred was able to sign or write her name at that time. Ninety-nine women out of a hundred could not read and write. We should have thought that in the last ten years, in which there has been so much progress in the country in other directions, the situation in this respect could have improved, but the report for 1926 tells us that the proportion of literate women has only risen to 1.3, and in the words of that report this progress is described as extremely slow and much below the rise in the percentage for males. I do not desire to weary the House by quoting more statistics and figures. I believe I have said enough to convince the House that the problem is most urgent and that we are right in asking the Government to give practical effect to their sympathy and to provide money for education or rather for greater educational facilities at least in the centrally-administered areas. I am asking for money for the centrally-administered areas in the first instance, because I believe Government itself would agree that the Central Government, with all the distinguished men that it includes and with all its great resources, ought to set the lead and an example to the provinces. It is however surprising that in the centrally-administered territories

there is not a single—I believe I am right in saying—a single arts college for women or a single training college for women except at Delhi. I do not think that there is any part of the centrally-administered territories where compulsory primary education is provided for girls. Sir, if it is possible in States like Baroda and even in the distant and rather outlandish State of Bikaner—for we read in this morning's paper that Bikaner has resolved to provide for compulsory education for boys and girls in that State—it certainly ought to be possible for the Central Government to provide funds for compulsory primary education in the small territories which they directly administer. Speaking of my own Province of Delhi, where I believe the Government of India reside for some part of the year, the Municipality, I can assure you, has been anxious to provide compulsory primary education for girls, but they are unable to do so because the grant that is given for education by Government is very inadequate, and rightly or wrongly as it is still considered that boys' education should come first. As they are not able to provide for all the expenditure required for boys' education, they feel very doubtful if they should undertake compulsory education for girls. Now that is a thing to which I invite the attention of the Assembly and of the Government—Delhi is a place where they can start to-morrow, if they so like, compulsory education for girls and with very good effect.

The second part of my Resolution asks for the establishment of a well-equipped training college for the training of women teachers. A training college, so far as this Resolution goes, is not intended to mean a college for training women graduates only : I believe it is intended to include a training course, be it normal classes, be it junior Anglo-vernacular classes, or be it classes for the training of graduate teachers. Now, everyone knows that in this country so far as women's education goes, next to the question of money, the most urgent problem is the paucity of suitable trained women teachers : and unless we have women teachers, how are we going to have scholars taught ? I will quote a few further figures. If you look up this 1926 report, you will find that in the whole of British India there are only 134 women in training colleges for teachers. Considering that some of these prospective women teachers are likely to get married and therefore in a sense will be lost to the teaching profession, we thus find that for the whole length and breadth of the country containing 300 millions of people there will hardly be a supply of 100 well-trained teachers a year. Now, I ask, Sir, is that a state of affairs considered complimentary or satisfactory for any civilized country ? I am not one of those who would place all blame for everything on the shoulders of Government ; I am not here to maintain that the paucity of women teachers is entirely due to the lack of sympathy or the lack of facilities provided by Government. But I would say this that after all there is something that can be done by them. Now, what are the reasons why there are not more girls willing to go into training colleges for women teachers ? The first thing is that there is hardly any, at any rate in North India—I do not know about South India—a self-contained training college for women, there may be one such in the South. But the general practice in North India is that one or two or at the utmost three women are admitted to men's training colleges. I maintain that the customs of the country are such that it is not very encouraging for the majority of girls of good families to go into these training colleges. And, even if our customs did permit of that, it is extremely doubtful whether two or three

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women in a large men's college can derive the benefits of corporate life or get the full benefits of training when they are in such a hopeless minority. What we therefore want is a well-staffed, well-equipped training college, or at any rate training classes attached to an arts college in one of the central places in India. I hope that Government will seriously consider the desirability and the urgent need for establishing such a college, possibly in Delhi, which being the hub of the universe at the present time will draw, I hope, qualified women graduates from all parts of the country. I dream of a great college for women on the banks of the Jumna, something like, though not quite like, the one described by Tennyson in the "Princess". But even a college cannot be started or maintained without money, and that is the reason why I am trying to press on Government the need for funds to start a college of this kind.

In the final part of my Resolution I have asked for the appointment of a competent committee, including prominent women, to go into the entire subject and to make a report. Sir, it was in the year 1925 that the Director of Public Instruction of Bengal extended a memorable invitation to women in the following words :

"You have asserted yourselves in the field of politics. How long is to be before you assert yourselves in the field of secondary and higher education? How long are you going to tolerate a man-made syllabus, a man-made system, a man-made examination and a controlling authority in which women have no voice as the dominating arbiter of your educational destinies?"

That invitation and challenge was taken up by the educated women of India without delay. They have become fully alive to the dangers of this man-made system of education. They realize that if the slavish imitation of boys' education continues, the girls of this country will never be educated on right lines. Their answer was demonstrated in the two all-India Conferences held this year and last year on women's educational reform. Any one who either attended these conferences, read reports of their doings or had anything to do with them would be convinced not only of the ability of our women and of their fitness to guide the lines on which right education should be based for our girls, but will also have realized the determination of this handful of educated and noble women of our land to bring education within the reach of all their less fortunate sisters. Before the country undertakes—I hope with the help and sympathy of Government—an all-India campaign for the education of women and girls, for wiping out illiteracy amongst women, it is absolutely necessary that we should lay down the right lines on which such education should proceed. We have read notices, or rather extracts, from a great many memoranda submitted to the Educational Committee of the Simon Commission, and several prominent educationists in writing their memoranda have gone out of their way to state that the present system of education in this country is rotten. Well, if after so many years a system of education for boys which has advanced a great deal and may therefore be described as already having settled down to some extent, is rotten, let us not make a mistake in perpetuating an imitation of that system for our girls. There is yet time in which to think—and especially for women themselves to consider—what are the right lines on which the education of girls in this country should proceed. That is the reason why I have asked for the appointment of a competent committee to carefully go into and weigh the subject of women's education and lay down the right lines on which it should proceed. I shall not be

satisfied until that committee, which I hope will be appointed by Government, comprises within its membership an adequate representation of educated women. No one, as I have said, who has seen the work of the all-India Conferences of women and the many constituent provincial Conferences that preceded them, will deny that there are enough women in the land who can adorn such a committee and contribute valuable help in working out the lines on which education for women should proceed.

Sir, I need not add very much more to what I have said. I am perfectly confident that such an enlightened House as this will not hesitate to accept unanimously this modest Resolution for the furtherance of women's education. I have not moved this Resolution merely to get something out of Government, although I sincerely hope that we will get not something but a great deal from Government for this work. I believe, Sir, that the gods and also governments help those who help themselves, and I have therefore moved this Resolution in the hope that the debate that will be raised upon it will bring this important subject to the renewed notice of the country, and that every one who is keen on the enlightenment and advancement of our land or for the attainment of what is known as Swaraj, will take the lead from this House and work with renewed zeal for this noble cause. Speaking personally, if I may be pardoned for making a personal reference, when one realizes and fully believes that all that is best in one's life has come first and foremost from the training and from the help of an educated mother, and realizing how difficult it would be to contemplate life without the help and companionship of an educated wife or the sympathy or the interest of educated sisters—and I believe many Members of this Honourable House have had these benefits—it is hard to imagine how any one should not be keen to bring within the reach of every man in this land the same training, the same companionship, the same enlightened sympathy, which some of us have had the good fortune to enjoy. I cannot do better, Sir, than to conclude my remarks by repeating the noble words spoken by Her Excellency Lady Irwin in the course of a speech delivered at the opening of the second all-India Women's Conference held this year at Delhi. Her Excellency said :

"The furtherance of education for women is a great constructive work, for it means nothing less than an attempt to build a City of God in the homes of this country. It is the noblest concern of women, nobler even than the great profession of medicine, since it ministers to the hearts and minds and not only to the body."

Sir, this Resolution is a humble attempt to help forward the building of a City of God in the homes of our land, and I commend it to this House.

Sir, I move. (Applause).

(At this stage Mr. President vacated the Chair which was occupied by Mr. Deputy President, Maulvi Muhammad Yakub.)

Mr. Mukhtar Singh (Meerut Division Non-Muhammadan Rural) Sir, I beg to move :

"That for the words from 'for the furtherance of' to the words 'training of women teachers' the following be substituted :

'for providing free and compulsory primary education of girls between the ages of 6 and 11 in the centrally administered territories as early as possible, and as a first step to that end to establish at once a sufficient number of women teachers' training schools in that area'."

I am in agreement in principle with the learned Mover of this Resolution, but it would have been much better if my friend had not dragged

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in Swaraj. We on this side believe that it is an impossibility to have the people of this country educated without Swaraj. Swaraj comes first and education comes afterwards. To give an instance in point, I may point out that only yesterday the Home Member was cursing the Russian people, but I find, Sir, that even in the cursed Russia they have made education of girls and boys compulsory. But in this country we have been crying, I think, for the last fifty years and no attempt has yet been made in that direction.

I will not enter into details as to the state of affairs in this country about education, but with your permission I may be allowed to say only a few words. In this country there are 5,12,873 villages ; out of which you have primary schools only in 22,635. It means that for every 23 villages you have one school ; it includes boys' school as well as girls' school. Taking the figures only for female education, we find that including towns and villages the total number of institutions for girls' education are 5,146. That gives you one school for every 100 villages. That gives the state of affairs in the whole of this country. I would not deal with the Delhi Province, as my Honourable friend the Mover of the Resolution comes from Delhi. Let me deal with another province, the North-West Frontier Province, and let us see what is the state of affairs in that province.

Mr. Deputy President : Which province are you dealing with ?

Mr. Mukhtar Singh : The North-West Frontier Province. This is a province administered by the Government of India directly and for this province the Government spends Rs. 2,80,55,190, out of which a decent sum of Rs. 1,28,486 is spent for girls' education. That gives us a very decent percentage of .4 per cent. This shows, Sir, how far the Government is sympathetic towards girls' education. If you take the figures for 1921-22 and 1926-27 you will find that in 1921-22 the percentage of girls was .5 that is, 5 girls reading out of 1,000 girls. That has been increased during 5 years to .7 per cent,—a very decent figure, of which the Government of India should be proud. We find, Sir, on page 34, that the percentage of female scholars to the female population of school-going age in 1921-22 was 3.7 per cent., and in 1926-27 it is raised to 4.8 per cent. If we take the number of scholars in the whole province in primary schools the number of scholars is 4,544 only and in middle schools 2,082. This really shows the state of affairs in a province in which the Government is spending such a high amount. This is why by my amendment I have asked Government to make the education of girls compulsory and free. I am very glad that only towards the end of this Resolution we have asked for the appointment of a committee. If the Honourable the Mover had put it in the beginning, I would have opposed it, because I know that nothing would be done and the matter would be left to the committee which the Government may be pleased to appoint. Therefore in the first part of the Resolution I have asked for the compulsory education of girls within the ages of 6 to 11. I am fortified in my remarks by the latest pronouncement of the Royal Agricultural Commission. We find, Sir, that the Royal Agricultural Commission in their Report on page 522 have said :

" The value to the community of the education of its women lies particularly in its effect upon the spread of lasting literacy amongst the young."

In a way they have clearly pointed out that if we want any progress to be made in education we should try to establish girls' schools and give them a sound education. Unless this is done, there is no possibility of spreading education even amongst the boys. If the women of this country had been educated we would have seen that the number of boys educated in the schools would have fairly increased.

They have also stated on page 503 as follows :

" We are convinced that the progressive adoption of the compulsory system is the only means by which may be overcome the unwillingness of parents to send their children to schools and to keen them there till literacy is attained."

This clearly shows, Sir, that there is no other method by which we can educate our women than by compulsion, and therefore it is very necessary that the education of girls should be made free and compulsory. Unless this is done progress in the education of women will be impossible.

Then, Sir, the other point that I have tried to make out in my amendment is with regard to the establishment of training schools for women teachers. I have asked for the deletion of the portion relating to the establishment of an up-to-date college. I should be perfectly satisfied with the establishment of training Schools for women teachers at the present time, because it would be too much for us to aspire to, to have a college now when we cannot expect to have a sufficient number of schools established in the area under the direct control of the Government. I may point out, Sir, that since Education has become a transferred subject, there has been some improvement in every province in the education of boys and girls, but the Central Government has not kept pace with the progress made in the provinces. That clearly shows how far the Government of India is sympathetic towards the aspirations of the people of this country.

Now, Sir, I find an interesting thing on page 139 in the Report for the Progress of Education in India, 1917—22. In the North-West Frontier Province the total expenditure on training schools for males in 1916-17 was Rs. 17,095, and the Government, perhaps in order to show that they have done something towards the education of women teachers, have split up this expenditure in 1921-22 for training schools for males and training schools for females. And what do we find, Sir ? Under the head expenditure on training schools for females we find the figure of Rs. 8,874 is just about half of Rs. 17,095. Thus Government have provided a school for training women teachers without incurring a single pie. That also shows the sympathetic attitude of the Government to establish training schools for women teachers.

Further, we also find in the Administration Report of the North-West Frontier Province for 1926-27 that out of the total number 261 of teachers in girls' schools, there are only 92 trained teachers and the rest are untrained. If you refer to the Report of the Delhi Province you will find a remark on page 55 :

" There is a Government training school for girls at Delhi, where women teachers are trained for Vernacular primary and middle Schools. It had 28 teachers under training as against 32 last year."

So the number of teachers has been reduced by 4. Perhaps it might be said that women teachers are not willing to be trained as teachers. I know, Sir, what happens in my province. I do not know much about the Delhi Province nor of the North West Frontier Province, but I think the condition will be the same all over. Unfortunately, the people of this

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country have got into their heads that they must educate their boys and girls, and in order to attain their object they establish private schools. If a private school wants to send a teacher for training in a training school, the first thing the committee of that private school is asked to do is to contribute a stipend from its own funds for the training of the teacher. I do not know what is the rule in Delhi, but that is the rule in the United Provinces, and the Government of India cannot be expected to be more sympathetic than the United Provinces Government in this matter. If this method is also adopted in the provinces directly administered by the Government of India, the natural result would be that the management of a private institution would not be able to afford to lose a teacher as well as to pay for her salary. People go about, beg money from those who can afford it, and then with very great difficulty, try to manage private institutions, and this is another difficulty placed in their way. The natural result is that they have to remain satisfied with untrained teachers. You cannot make adequate progress in education unless and until the teachers are properly trained. There is not the least doubt that women are willing to be trained as teachers in these schools, and consequently the Government ought to provide better facilities for their training. This point has been recognised.....

Mr. Deputy President : I do not wish to stop the Honourable Member, but I should like to know how long he will take.

Mr. Mukhtar Singh : Only a few minutes more, Sir.

I was referring to a remark on page 133 in the Report of Progress of Education, 1917-1921. This is what is stated there :

"If the quality of teaching in girls' primary schools is to be improved, it must be through the agency of women teachers, intelligent enough to accept advice from the Inspectress and, if possible, trained for the teaching profession. As yet so poor is the quality of the material that the Chairman of one District Board condemns all the schools in charge of women as without hope, but is more sanguine about a girls' school that is in charge of an old pundit."

This clearly recognises the urgent necessity of establishing training schools in the country.

Further on on page 134 you will find in the United Provinces the number of women teachers has increased from.....

Mr. Deputy President : The Resolution before the House does not deal with the question of women teachers in the United Provinces, nor can the Honourable Member discuss that subject here. I would therefore ask the Honourable Member to confine himself to girls' education in the centrally administered territories.

Mr. Mukhtar Singh : Sir, the point that I was trying to make was not about the United Provinces, but I was only showing that in the United Provinces and the Punjab the condition of womens' education and the condition of training women teachers is much better than in the centrally administered territories. Sir, as the time at my disposal is over, I would ask the Government not merely to accept the proposal for the appointment of a committee, but also to introduce free and compulsory education in the areas which are administered by the Central Government.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 12th September, 1928.

LEGISLATIVE ASSEMBLY.

Wednesday, 12th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

ATTACHMENT OF INDIANS WHO PASS OUT OF SANDHURST AS 2ND LIEUTENANTS TO A BRITISH UNIT.

475. *Lala Rang Behari Lal : (*a*) Will the Government be pleased to state if under the rules a man who passes out of Sandhurst and gets the King's commission is posted in the first instance to a British unit as a 2nd Lieutenant ?

(*b*) Will Government be pleased to state if all the Indians who passed out of Sandhurst up to date were so employed ? If so, did any one out of these candidates obtain any bad remarks during the period he was with a British unit ?

(*c*) Is it a fact that no sooner were they transferred to an Indian unit a large number were given bad remarks for their work ?

(*d*) Is it a fact that after a period of 2 years 4 months service a 2nd Lieutenant gets his full Lieutenancy ?

(*e*) Are there any cases in which Indian officers have not been promoted after the said period ? If so what is their number ?

(*f*) Will Government be pleased to state if during the same period any European 2nd Lieutenant has been similarly treated. If so, will Government please state the number of such cases ?

Mr. G. M. Young : (*a*) Yes, except that the officers are not posted, but attached, to British units.

(*b*) The answer to the first portion is in the affirmative. While attached to British units, two Indian officers received reports which were considered to be below the average.

(*c*) No, Sir.

(*d*) A 2nd Lieutenant is eligible for promotion to Lieutenant after 2 years and 3 months commissioned service, if recommended.

(*e*) Yes. The promotion of two Indian officers has been deferred pending submission of special reports on them. I may add for the Honourable Member's information that if these reports are satisfactory, the officers concerned will be promoted with effect from the date on which they would ordinarily have been eligible for promotion.

(*f*) No recent cases have occurred.

CONSUMPTION OF OPIUM IN DELHI.

476. *Lala Rang Behari Lal : (a) Has the attention of the Government been drawn to page 15 of the Annual Report of the Central Social Service League, Delhi for the year 1927 ?

(b) Is it a fact that the League of Nations has fixed 6 seers consumption of opium for every 10,000 population ?

(c) Is it a fact that the consumption of opium in Delhi in 1923-24 was 20 seers per 10,000 and that it has been increasing year by year and stood at 32 seers per 10,000 in 1927 ?

(d) If the answer is in the affirmative, would the Government be pleased to state what action they propose to take in the matter ?

The Honourable Sir Bhupendra Nath Mitra : (a) No ; but the Government are trying to obtain a copy of the Report.

(b) The standard of consumption for strictly medicinal and scientific purposes laid down by the Opium Advisory Committee of the League of Nations is 600 milligrammes per annum per head of the population (roughly equivalent to 6 seers per 10,000) in countries where medical relief is fairly well organised.

(c) Yes.

(d) The figures of consumption in question are figures of consumption of licit opium only. The rise in the figures is attributed partly to an increase since 1923-24 of visitors to Delhi, but mainly to the success of administrative measures directed against the consumption of illicit opium in that area. It is not established that the actual consumption of opium in Delhi has seriously risen and, while anxious to see a reduction in the actual consumption, the Government of India, who have already given their particular attention to the matter, are not satisfied that any action by them to that effect is at present necessary or feasible.

LOCATION OF THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, NORTH WESTERN RAILWAY IN DELHI.

477. *Lala Rang Behari Lal : (a) Will the Government please state if the Divisional Superintendent's Office, Delhi, is located in a portion of the Imperial Bank Building in Chandni Chowk ?

(b) Will the Government please state if several of these rooms were designed and used as godowns for the storage of packages ?

(c) Is it a fact that these ill-ventilated godowns with only one door are used as offices and clerks work there for about eight hours daily ?

(d) Will Government be pleased to state if owing to working in these rooms many clerks and inferior staff have ruined their health and some have actually died ?

(e) Will Government please state if the number of absentees due to sickness is higher in this office in comparison with other offices due to work in unsuitable premises ?

Mr. A. A. L. Parsons : (a) Yes.

(b) to (e). Government have no detailed information, but I may add that it is proposed to locate the Divisional Superintendent's office at Delhi elsewhere as soon as arrangements can be made.

MEDICAL TREATMENT OF RAILWAY EMPLOYEES OF THE NORTH WESTERN RAILWAY IN DELHI.

478. *Lala Rang Behari Lal : (a) Will the Government be pleased to state if it is a fact that for over 3,000 railway employees in the Delhi Province and their families there is only one Sub-Assistant Surgeon who sits in the Delhi Civil Hospital ?

(b) Is it a fact that the fee charged by the Sub-Assistant Surgeon from employees drawing Rs. 100 or thereabouts and living in the city is Rs. 2 per visit and by the Chief Medical Officer Rs. 16 per visit while according to rules it should be annas 8 and Rs. 3, respectively ?

Mr. A. A. L. Parsons : (a) The North-Western Railway employees in the Delhi Province number approximately 3,750. To attend to this staff, the Railway Administration pays an allowance to the Civil Surgeon of Delhi, and also contributes to the Civil Hospital, Delhi, to the Hindu Rao Hospital, the Tis Hazari Police Hospital, and the Paharganj Dispensary. They have two whole-time Sub-Assistant Surgeons.

(b) Railway employees are entitled to free treatment in their homes from the medical staff mentioned.

HOUSING ACCOMMODATION FOR CLERKS OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

479. *Lala Rang Behari Lal : Will Government be pleased to state if any and if so what arrangements are being made for the housing of clerks and other servants serving in the Clearing and D. S. Offices at Delhi ?

Mr. A. A. L. Parsons : Proposals are now being formulated, for providing accommodation for the clerks in the Clearing Accounts Office.

OVERTIME WORKED BY EMPLOYEES OF THE DIVISIONAL AUDIT OFFICE, DELHI.

480. *Lala Rang Behari Lal : (a) Will Government be pleased to state if for more than a year employees in the Divisional Audit Office, Delhi, have been working overtime for more than an hour daily without any overtime allowance ?

(b) Do Government propose to enquire into the matter, and take necessary steps to remove the hardship ?

The Honourable Sir Bhupendra Nath Mitra : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

†481*—483*.

RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

484. *Mr. C. Duraiswamy Aiyangar : (a) Have Government resolved upon giving effect to the recommendations of the Royal Commission on Agriculture ?

(b) If so, which of the recommendations will be given effect to, and when ?

†For answers to these questions, see at the end of the question list for the day.

(c) Do the Government propose to put in a supplementary demand for giving effect to any of the recommendations in the current year ?

(d) Will the Government be pleased to state which of the recommendations will be taken up by the Central Government and which of them will be left to the Provincial Governments ?

(e) In giving effect to the recommendations, do the Government propose to bring in any experts from outside India and if so, how many and on what salaries ?

Mr. G. S. Bajpai : (a) The Government of India are still considering the Report.

(b) and (c). Do not arise.

(d) The question as to which recommendations concern the Government of India and which the Local Governments is under consideration in consultation with Local Governments.

(e) As the Report is still under consideration, the Government of India have come to no conclusions in regard to the points raised by the Honourable Member.

Mr. C. Duraiswamy Aiyangar : May I know when Government expect to come to some conclusions in regard to this matter ?

Mr. G. S. Bajpai : Government are waiting until they have had an opportunity of discussing generally the main recommendations of the report with the Provincial Ministers, a conference of whom has been convened for the 1st October.

Mr. C. Duraiswamy Aiyangar : May I know whether, so far as the recommendations affecting the Government of India are concerned, the Government of India propose to take immediate action or action in the near future ?

Mr. G. S. Bajpai : No recommendation made by the Commission is of such a character as to affect the Government of India exclusively. Whether it is a recommendation made about the formation of an Agricultural Research Council, or the improvement of Pusa, or the establishment of a Veterinary College, in giving effect to all these recommendations, the Government of India, even if the responsibility is exclusively theirs, have to work in conjunction with Local Governments and, therefore, until the Government of India have had an opportunity of discussing these matters with the representatives of the provinces, they cannot come to any conclusion.

REMOVAL OF THE POST OFFICE AT COONOOR FROM "MINSTED" TO "ROSE HALL."

485. ***Mr. C. Duraiswamy Aiyangar** : (a) Is it a fact that the post office at Coonoor in the Nilgiris was removed to "Rose Hall" in May last before the expiry of the lease of the old building ?

(b) Will the Government be pleased to state who paid the rents of the old building "Minsted" for the period until the termination of the lease after the post office was removed to the new building ? Is it a fact that the buildings "Minsted" were let out by the postmaster to the staff of the Raja of Pittapuram and rent collected from them ?

Mr. P. G. Rogers : (a) Yes.

(b) The owner of "Rose Hall" paid the rent of the old building until the termination of the lease. As regards the latter part of the question Government have no information.

CONCLUSIONS ARRIVED AT BY THE ALL-INDIA DEPARTMENTAL CONFERENCE ON THE RECOMMENDATIONS OF THE ROYAL COMMISSION ON AGRICULTURE.

486. ***Mr. C. Duraiswamy Aiyangar** : Will the Government be pleased to state what conclusions have been arrived at by the All-India Departmental Conference held in connection with the recommendations of the Royal Commission on Agriculture ?

Mr. G. S. Bajpai : No such conference has been held.

†487*.

ENQUIRIES INTO ACCIDENTS ON RAILWAYS.

488. ***Mr. A. H. Ghuznavi** : In view of the fact that railway accidents are so frequent do Government propose to establish a rule that in future in the case of every accident there should be (1) a Coroner's enquiry, and (2) a judicial enquiry by a mixed committee of officials and non-officials ?

The Honourable Sir George Rainy : Enquiries into railway accidents are governed by rules made by the Governor-General in Council under section 84 of the Indian Railways Act, 1890. These rules were published in Notification No. 120-T.-18, dated the 21st March, 1923, in Part I of the Gazette of India of 24th March, 1923, and prescribe the conditions under which the Senior Government Inspector, who is an officer of Government appointed under section 4 of the Indian Railways Act, holds enquiries into accidents. The rules also empower a District or other Magistrate and the Police to make separate enquiries into the causes of an accident. The Magistrate's enquiry is a public enquiry. Government consider that these orders ensure the fullest possible enquiry into accidents and their causes and do not propose to modify the rules.

The suggestion that non-officials should be associated in these enquiries was very carefully enquired into by Government and discussed with the Central Advisory Council for Railways in August 1926. On the advice of the Council the further consideration of the suggestion was dropped.

DELIVERY TO THEIR RELATIVES OF THE BODIES OF PERSONS KILLED IN ACCIDENTS ON RAILWAYS.

489. ***Mr. A. H. Ghuznavi** : Do Government propose to direct that in regard to casualties in railway accidents in future arrangements be made to deliver the bodies of the deceased to their relations for disposal ?

The Honourable Sir George Rainy : The present rules already provide for this whenever it is practicable. They lay down that it is the duty of the railway police to hand over the bodies of the deceased to their relatives whenever their relatives can be found. If unfortunately the relatives cannot be communicated within sufficient time, it is incumbent on the railway police to give the dead a decent burial or cremation.

†490*—499*.

†For answer to this question see at the end of the question list for the day.

RULES RELATING TO SEAMEN EMPLOYED IN THE ROYAL INDIAN MARINE.

500. *Mr. N. M. Joshi : Will Government be pleased to state :

(a) Whether they have issued any instructions to the Director, Royal Indian Marine, Bombay, to introduce any new set of rules regarding the seamen on Royal Indian Marine ships sometime in March last ?

(b) If so, will Government be pleased to place the rules on the Assembly table ?

(c) Whether the rules are framed under any Act of the Legislature ?

(d) Whether the rules are meant to prepare the Royal Indian Marine seamen to become members of the Indian Navy at a future time ?

(e) Whether they are mere disciplinary rules ?

Mr. G. M. Young : (a), (b) and (c). The recent re-organisation of the Royal Indian Marine necessitates the revision of the rules made under section 4 of the Indian Marine Act, 1887. The rules so made will be statutory rules, made by the Government of India, and, as required by the same section, will be published in the Gazette of India. Copies will be placed in due course in the Library. Government do not think it necessary, in addition, to lay them on the table of this House.

(d) No, Sir, the rules will apply to the personnel of the Royal Indian Marine as at present constituted. New rules and regulations under the Naval Discipline Act would be required if the Royal Indian Marine were converted into a Navy. As Honourable Members are aware, the Naval Discipline Act has not yet been applied in India.

(e) Rules under section 4 of the Act will be disciplinary rules.

Mr. N. M. Joshi : May I ask whether Government can state the exact meaning of the words " in due time "?

Mr. G. M. Young : Does the Honourable Member refer to the words " in due course " which occur in my reply ?

Mr. N. M. Joshi : Yes.

Mr. G. M. Young : As soon as they have been published in the Gazette of India.

Mr. N. M. Joshi : When will they be published ?

Mr. Gaya Prasad Singh : In due course. (Laughter.)

Mr. G. M. Young : Very shortly.

Mr. N. M. Joshi : May I ask whether the Government can make available the old rules if the new rules are not yet made ?

Mr. G. M. Young : There are no old rules under section 4.

Mr. N. M. Joshi : Do I understand that there are no rules governing the conditions of service of these Royal Indian Marine men ?

Mr. G. M. Young : No rules were made under section 4 of the Indian Marine Act because formerly seamen of the Royal Indian Marine were not enrolled.

Mr. N. M. Joshi : How were the conditions of service of the Royal Indian Marine men determined if there were no rules ?

Mr. G. M. Young : As I have explained before now, these men used to serve on agreements which governed the conditions of their service.

Mr. N. M. Joshi : May I get a copy of that agreement ?

Mr. G. M. Young : I think so, Sir. I shall try to obtain a copy for the Honourable Member.

PAY, LEAVE AND PENSION OF SEAMEN EMPLOYED IN THE ROYAL INDIAN MARINE.

501. *Mr. N. M. Joshi : (a) Will Government be pleased to lay on the table rules regarding the pay, leave and pension of the Royal Indian Marine seamen ?

(b) Will Government be pleased to state whether it is a fact that rules regarding pay, leave and pension of the Royal Indian Marine seamen are to be revised so as to give the men the same rights and privileges as those of Government servants in other Departments ?

(c) Will Government be pleased to state whether the seamen are required to sign a pledge, and, if so, what ?

Mr. G. M. Young : (a) The rules regarding the pay, leave and pension of the Royal Indian Marine seamen will be incorporated in Marine Regulations, a copy of which will be placed in the Library.

(b) I am not sure that I understand this part of the question. Certain alterations in the existing rules have been made to improve the conditions of service in the Royal Indian Marine in connection with its recent reorganization, but no further revision is contemplated.

(c) Seamen are enrolled, and, like all other enrolled personnel have to take the prescribed oath of allegiance.

Mr. K. Ahmed : Do the Indian lascars and seamen of the Royal Indian Marine at Calcutta get any gratuity, leave and pension ? Is it a fact that they are treated as daily labourers working for 30 or 40 years even without getting any pension, leave and gratuity ?

Mr. G. M. Young : Will the Honourable Member kindly repeat his question ?

Mr. K. Ahmed : Do seamen or lascars engaged in the Royal Indian Marine at Calcutta get any leave, pension or gratuity after having served for 30 or 40 years ? Are they treated as day labourers even after that service, or do they really get any leave, pension or gratuity ?

Mr. G. M. Young : The personnel engaged in the Royal Indian Marine are enrolled. They get pay, pension, leave and so forth. Formerly, as I have explained, they served on civilian agreements under which they did not get any pension. They got pay of course.

Mr. K. Ahmed : Are Government aware that attached to Fort William in Bengal there are about 79 lascars and seamen belonging to the Royal Indian Marine who have applied for the same to the Government of India and to the Department of my Honourable friend, as well as to

His Excellency the Viceroy, and that the matter has been under consideration for some time past, and that they have not got any relief with regard to their memorial for leave, gratuity and pension, dated the 3rd January, 1927 ?

Mr. G. M. Young : I have no information about the application in question, but I will make an inquiry.

RECOGNITION OF THE UNION OF THE SEAMEN OF THE ROYAL INDIAN MARINE IN BOMBAY.

502. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) Whether the Royal Indian Marine seamen are precluded from forming a trade union under the Indian Trade Unions Act, 1926, or under any other law in force ?

(*b*) If they are not so prohibited, then why did the Director, Royal Indian Marine, Bombay, decline to recognise the union when its office-bearers interviewed him at the end of March last ?

(*c*) If the men can form a union, do Government propose to issue instructions to the Registrar of Trade Unions, Bombay, to register the same and to the Director, Royal Indian Marine, to recognise it ?

Mr. G. M. Young : (*a*) Royal Indian Marine seamen are enrolled as combatants under the Indian Marine Act, 1887. No combatant personnel in any service are permitted to join a trades union.

(*b*) and (*c*). Do not arise.

STARTING OF AN ASSEMBLING PLANT IN BOMBAY BY MESSRS. THE GENERAL MOTORS CO., LIMITED, OF AMERICA.

503. ***Mr. Lalchand Navalrai** : (*a*) Has the attention of the Government been drawn to ' Messrs. the General Motors Co., Limited ' of America starting an assembling plant in Bombay and the leading article on this subject in the *Sind Observer*, Karachi, dated 28th July, 1928 ?

(*b*) What is the policy of the Government in allowing foreign firms to start business and industries in India ?

(*c*) Do Government propose to legislate that foreign firms starting industrial enterprises in India should have rupee capital, a majority of which should be offered to Indians for being subscribed to, and with a majority of Indian directors ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Government's policy in this matter is not to raise obstacles to the free inflow of foreign capital into India, but to grant monopolies or concessions only to companies incorporated and registered in India with rupee capital, such companies to have a reasonable proportion of Indian Directors and to afford facilities for training Indian apprentices.

(*c*) No.

PAY OF SUB-WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

504. ***Mr. Lalchand Navalrai** : (*a*) Will Government be pleased to state whether it is a fact that the late Mr. Harchandrai Vishindas, M.L.A., had raised the questions of pay and prospects of Sub-Way Inspectors on the North-Western Railway in this House on 26th February, 1926, and he was replied to by Mr. G. G. Sim that the copy of the questions would be sent to the Agent, North-Western Railway, who would consider the representations made to him on the subject ?

(*b*) Is it a fact that the Central Delegate Council of the North-Western Railway, recognized Union, which met at Quetta on 28th, 29th and 30th July, 1927, had made a representation on the subject to the Agent, North-Western Railway ?

(*c*) Are Government aware that the Agent in his reply to the General Secretary of the aforesaid recognized Union said that the pay of the Sub-Way Inspectors had been fixed after considering the nature of duties they were performing ?

(*d*) Will the Government be pleased to state in what respects the duties of Sub-Way Inspectors are of a less responsible nature than those of Sub-Inspectors of Works, Sub-Inspectors of Interlocking, Sub-Inspectors of Block, and Sub-Inspectors of the Train Examiners and Bridge Departments of the Railway ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) and (*c*) Government have not received nor would they expect to receive a report from the Agent of the Railway with regard to any such representation.

(*d*) Government are not prepared to express any opinion on the comparative responsibilities of Sub-Way Inspectors and the other officials mentioned by the Honourable Member.

Mr. Lalchand Navalrai : Does not the Honourable Member think that the duties of the Sub-Way Inspectors are more risky than those of the other classes referred to in this question ?

Mr. A. A. L. Parsons : Sir, as I have stated, Government are not prepared to express any opinion. I certainly cannot express any personal opinion as I am not aware of the details of the work of these various classes of employees.

Mr. Lalchand Navalrai : Will the Honourable Member then say whether Government will reconsider the case of these Sub-Way Inspectors and examine the reasons given by the Agent ?

Mr. A. A. L. Parsons : No, Sir. It is a matter which I think the Agent can very well decide himself. He is certainly in a much better position to do so than Government.

PROMOTION OF SUB-WAY INSPECTORS TO PERMANENT WAY INSPECTORS ON THE NORTH WESTERN RAILWAY.

505. ***Mr. Lalchand Navalrai** : (*a*) Is it a fact that some Sub-Way Inspectors are waiting on North-Western Railway for promotion to the

P. W. I.'s cadre after having passed all the qualifying departmental examinations ?

(*b*) If so, will Government be pleased to state, why they are not being promoted when they are fully qualified for the post of P. W. Is. ?

(*c*) Is it a fact that of late the North-Western Railway has taken to the practice of recruiting Apprentice P. W. Is. ?

(*d*) If so, will Government be pleased to state the reasons for debarring railway qualified men from promotion and giving preference to apprentices for the higher grade of P. W. I.'s posts ?

Mr. A. A. L. Parsons : The information required by the Honourable Member has been called for and will be furnished to him on receipt.

PAY OF CERTAIN CLASSES OF EMPLOYEES OF STATE RAILWAYS.

506. ***Mr. Lalchand Navalrai** : Will Government be pleased to place a statement on the Assembly table showing the scale of pay of the following staff on various State Railways in India :

Sub-Way Inspectors, Sub-Inspectors of Works, Sub-Interlocking Inspectors, Sub-Block Inspectors, Sub-Train Examiners, and Sub-Bridge Inspectors ?

Mr. A. A. L. Parsons : The designations of such staff vary on the different Railways, but the Honourable Member will find the information he requires regarding the scales of pay in the establishment rolls, copies of which are in the Library.

REPRESENTATION OF THE EAST INDIAN RAILWAY ON THE INDIAN MINING ASSOCIATION, CALCUTTA.

507. ***Mr. K. C. Neogy** : (*a*) Is it a fact that the East Indian Railway is a member of Indian Mining Association, Calcutta, as being the owner of a few collieries ?

(*b*) Is it a fact that the Railway Administration in question is represented on the Committee of the Indian Mining Assocaition by one of its responsible officers ?

(*c*) If the reply to (*a*) or (*b*) be in the affirmative, has the action of the East Indian Railways the approval of the Government ?

Mr. A. A. L. Parsons : I am making enquiries and will communicate the result to the Honourable Member in due course.

Mr. Ghanshyam Das Birla : When does this House expect to get replies to these questions ?

Mr. A. A. L. Parsons : As regards question No. 507, I do not think it will take any long time, Sir. We had not got the information in the Railway Board's office, and we therefore asked the Agent of the East Indian Railway for it. It ought to be available in the course of a week or ten days anyhow.

Mr. Ghanshyam Das Birla : Does it take long to make inquiries in such matters ?

Mr. A. A. L. Parsons : It takes the usual time to write a letter, post it and get a reply to a simple inquiry.

Mr. Ghanshyam Das Birla : Is the Honourable Member aware or not aware that these Departments of Government are at present members of these private institutions, namely, the Bengal Chamber of Commerce and the Indian Mining Association ?

Mr. A. A. L. Parsons : The Honourable Member appears to be refering to the next question, Sir, on which I have a reply already.

Mr. K. C. Neogy : Is it not a fact that the question referred to was sent in about two weeks back ?

Mr. A. A. L. Parsons : I have not got the exact date, Sir. Certainly as soon as we received question No. 507, we immediately asked the Agent of the East Indian Railway for the information.

REPRESENTATION OF STATE RAILWAYS ON EUROPEAN CHAMBERS OF COMMERCE.

508. ***Mr. K. C. Neogy** : (*a*) Is it a fact that the different State Railways are members of the European Chambers of Commerce in India, and that their responsible officers take an active part in the deliberations of these Chambers as members of Committees, etc. ?

(*b*) If so, has such action of the railway authorities the approval of Government ?

(*c*) Have Government received any representation protesting against such action of the Railways ? If so, on what grounds have such protests been made, and with what result ?

Mr. A. A. L. Parsons : (*a*) The East Indian and Eastern Bengal Railways are members of the Bengal Chamber of Commerce, the North-Western Railway of the Karachi Chamber of Commerce, and the Great Indian Peninsula Railway of the Bombay Chamber of Commerce. The Bengal Chamber invite each of the Railways whose headquarters are at Calcutta to a seat on their Committee once in every three years. The North-Western Railway representative regularly sits on the Committee of the Karachi Chamber. The Great Indian Peninsula Railway representative is invited to a seat on the Committee of the Bombay Chamber every alternate year.

(*b*) Yes.

(*c*) Yes. The Indian Chamber of Commerce, Calcutta, have recently addressed Government and represented that the views of such Chambers of Commerce are likely to receive unduly favourable consideration. The general question of Railways being represented on Chambers of Commerce is under examination, but I would assure the Honourable Member that there are no grounds for the implication made by the Indian Chamber.

Mr. Ghanshyam Das Birla : May I inquire what special advantage the Railways get by becoming members of these Chambers ?

Mr. A. A. L. Parsons : I think the question is rather what special advantage the Chambers get by the railway representatives being on their Committees.

Mr. Ghanshyam Das Birla : How is it, Sir, that these Departments of the Government are members only of the European Chambers and are not members of the Indian Chamber of Commerce, Calcutta, and the Indian Merchants' Chamber, Bombay ?

Mr. A. A. L. Parsons : I am not aware, Sir, that the Railways have ever received an invitation from these two Chambers to become members of their bodies.

Mr. Ghanshyam Das Birla : Is it necessary for the Chambers to send invitations to the Railways to become members, or is it for them to apply for membership of these Chambers ?

Mr. A. A. L. Parsons : The Honourable Member is probably better aware than I am of the procedure adopted by these Chambers, of which I have never been a member ; but I imagine that if these particular Chambers wish to have railway representatives, there are means by which their wishes can be conveyed to the Railways.

Mr. Ghanshyam Das Birla : May I inquire, Sir, if they got invitations from the European Chambers of Commerce to become members of their Association ?

Mr. A. A. L. Parsons : I am afraid I cannot answer that, Sir ; it would probably mean delving into correspondence of a long time back which I have not so far seen.

Mr. Ghanshyam Das Birla : May I inquire whether, if the Indian Chambers sent invitations to these Railways to become members they would accept such invitations and join as members of the India Chambers ?

Mr. A. A. L. Parsons : The matter will be considered as part of the examination of the position which we are now making, owing to the representations received from the Indian Chamber of Commerce in Calcutta.

Mr. Ghanshyam Das Birla : May I inquire whether, in view of the fact that these Departments of Government are members of these various European Chambers, the representations which Government get from time to time from these Chambers should be taken as impartially representing the public point of view ?

Mr. A. A. L. Parsons : As I have said, Sir, there are no grounds for thinking that these particular Chambers receive unduly favourable consideration because members of the Railways are either on their Chambers or on their Committees.

Mr. Ghanshyam Das Birla : Is it a sound policy for Departments of Government to become members of a private Association ?

Mr. A. A. L. Parsons : As at present advised, Government see no objection to that policy. It is desirable that the Agents of our big Railways should be in close touch with big commercial organizations.

Mr. K. C. Neogy : Is the Honourable Member aware that the interests of the Indian Commercial community do not always coincide with those of the European commercial community, particularly in their relations with the Railway Department ?

Mr. A. A. L. Parsons : I have not discovered that so far as their dealings with the Railway Department have come to my notice. I am not prepared to express an opinion on the more general question.

Mr. K. C. Neogy : Has the Honourable Member read the evidence given before the Acworth Committee on this point, particularly by the Indian mining interests in Calcutta ?

Mr. A. A. L. Parsons : I probably have read the evidence at some time.

Mr. K. C. Neogy : Will the Honourable Member kindly look up that evidence and state in this House whether the charges brought forward on that occasion were not well-founded ?

Mr. A. A. L. Parsons : I will look up the evidence, but I think it unlikely that I should be prepared to express my own opinion.

Sir Purshotamdas Thakurdas : When do Government propose to come to a decision in regard to the representation of the Indian Chamber of Commerce in Calcutta ?

The Honourable Sir George Rainy : I am afraid I cannot give the Honourable Member an exact date, but the attention of the House having been specially drawn to this matter I shall certainly see that no avoidable delay occurs.

Mr. N. M. Joshi : May I ask whether the European Chambers of Commerce take part in politics, especially anti-labour politics, and whether the Agents of these railways who are Government officers are permitted to be responsible for the views of European Chambers of Commerce, especially anti-labour views ?

Mr. A. A. L. Parsons : So far as I am aware, Sir, the Agents of these railways take practically no part in the business of the Chambers unless it happens to be railway business. I am not certain of it, but that is my impression from discussions with the Agents particularly in Calcutta.

Mr. Ghanshyam Das Birla : In view of the reply given by the Honourable Member that Government does not see any objection to these Departments becoming Members of the Chambers of Commerce, may I inquire if the Government of India as the Government of India will consider the desirability of becoming a member of the Indian Chamber of Commerce in Calcutta ?

Mr. A. A. L. Parsons : I have stated that we would consider the suggestion of the Railways concerned becoming members.

PERCENTAGE OF VACANCIES IN THE INDIAN FOREST SERVICE FILLED BY PROMOTION OF OFFICERS OF THE PROVINCIAL FOREST SERVICE.

509. ***Mr. K. C. Neogy** : What is the percentage of vacancies in the Indian Forest Service now filled by promotion of officers of the Provincial Service ? Is it a fact that the Lee Commission recommended an increase of this percentage ? If so, have Government given effect to this recommendation ? If not, what are their intentions in the matter ?

Mr. G. S. Bajpai : No percentage of vacancies in the Indian Forest Service is reserved now for promoted officers of the Provincial Forest Service. 12½ per cent. of the total Indian Forest Service cadre was set apart in 1921 for the promotion of Provincial Forest Service officers as a result of the recommendations of the Islington Commission. This proportion of posts is now held by Provincial Forest Service officers and it is the intention of Government to fill each vacancy in this portion of the cadre by promotion from the Provincial Forest Service. This will

give, during the period 1928-34, officers of the Provincial Service 10 vacancies out of 24, or 41.66 per cent. of the total number of vacancies.

2. No increase in the percentage of posts or vacancies to be filled by promotion from the Provincial Forest Service was recommended by the Lee Commission.

INSECURITY OF THE ROADS IN THE PESHAWAR DISTRICT.

510. ***Mr. A. H. Ghuznavi** : (*a*) Are the Government aware that roads in the district of Peshawar are unsafe after dusk and that all traffic is consequently closed at that hour ?

(*b*) Are the Government aware that owing to the depredations of outlaws and local budmashes villagers in the vicinity of Peshawar consider their life and property as perfectly insecure ?

(*c*) Is it a fact that a small mounted guard is sent daily in the evening to patrol the Grand Trunk Road near the city only for a short time and up to a short distance ?

(*d*) Is it a fact that the establishment of two cinema companies showing American films has led to the growth of crimes in recent years ?

Sir Denys Bray : (*a*) Owing to the proximity of the unpoliced tribal territory, where the population are armed and ill-controlled, the roads in the Peshawar District can never be considered as safe as the roads on this side of the Indus. Apart from the barbed wire perimeter of the Peshawar Cantonment the only road closed after dusk is the Peshawar Kohat Road, which goes through tribal territory.

(*b*) No, Sir. Conditions are better now than they have been for several years.

(*c*) Yes.

(*d*) No.

Nawab Sir Sahibzada Abdul Qaiyum : Will the Government please state how the state of affairs in the North-West Frontier Province in respect of crime and safety of life and property compares with the state of affairs in Bengal, from which province the Honourable Member comes, and how many broad daylight dacoities such as the one committed in the Calcutta Post Office have been committed during the last few years in the Frontier Province ?

Sir Denys Bray : The Honourable Member is surely not addressing me, but my friend Mr. Ghuznavi.

Nawab Sir Sahibzada Abdul Qaiyum : I want the Government to compare the state of affairs in respect of crime in the North-West Frontier Province with other provinces, and to state whether the North-West Frontier Province is more unsafe than Bengal or even the Punjab ?

Sir Denys Bray : I should be glad of very long notice of that question.

ROBBERIES AND DACOITIES COMMITTED IN THE NORTH WEST FRONTIER PROVINCE FROM 1885 TO 1926, ETC.

511. ***Mr. A. H. Ghuznavi** : (*a*) Will the Government be pleased to lay on the table a statement showing the highway robberies and dacoities committed in the North-West Frontier Province from 1885 to 1926 and also a statement showing the strength of the police during the same period ?

(*b*) Do Government propose to take steps to increase the strength of the police in that area ?

The Honourable Mr. J. Crerar : (*a*) I am afraid I cannot undertake to furnish the Honourable Member with these statistics for a period of over 40 years. For more recent years they are published in the annual Police Administration Report, to which I would refer the Honourable Member.

(*b*) Additions have been made to the force from time to time as found necessary. I understand that 35 Sub-Inspectors and Head Constables and 422 foot constables have been added to the police force since 1924. The question whether further increases are required is now under the consideration of the local authorities.

NUMBER OF ACCOUNTANTS AND CLERKS IN THE MILITARY ACCOUNTS DEPARTMENT.

512. ***Mr. A. H. Ghuznavi** : (*a*) Will the Government be pleased to lay on the table a statement showing the number of accountants and clerks serving in the Military Accounts Department in India and the number of Muslims among them ?

(*b*) Is it a fact that on a representation made by the Muslim Association, Peshawar Cantonment, in 1925, the Financial Adviser to the Government of India, Military Finance, instructed the Controller, Military Accounts, Peshawar, to notify to the Association when vacancies occur in his office ?

(*c*) Will the Government be pleased to state if the instructions referred to above have been followed ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The required statement is placed on the table.

(*b*) and (*c*). I would invite reference to the reply given by me to part (*b*) of a similar question (No. 394) asked by my Honourable friend Mr. Ismail Khan.

Statement showing the number of accountants and clerks serving in the Military Accounts Department in India on the 1st September, 1928, and the number of Muslims among them.

	Total number of accountants and clerks employed in the (Military Accounts Department on the 1st September 1928 including Muslims).	Number of Muslims among those shewn in the previous column.
Accountants ..	465	21
Clerks—Permanent and temporary.	4,108	361
Total ..	4,573	382

ARTICLES IN THE *Times of India* REGARDING THE RECENT TOUR OF THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY.

513. ***Mr. Gaya Prasad Singh**: (*a*) Will Government kindly state the total amount of public expenditure incurred by Sir Frederick Whyte in touring over this country during his tenure of office as President of this House, as well as the places visited by him ?

(*b*) Are Government aware that the visit of the Honourable Mr. Patel to provincial capitals is welcomed by the Presidents of the local Councils, and by the non-official members generally ?

(*c*) Has the attention of the Government been drawn to a remark made by the *Times of India* in its issue of the 24th August, 1928, in which an attack is made upon the Honourable the President of the Legislative Assembly for his recent tour ?

(*d*) Do Government propose to take any action against the paper, as its remark constitutes an attack upon the dignity of the House and its President ?

Mr. J. Crerar: (*a*) A statement is laid on the table.

(*b*) The matter is not within my special cognizance, but I am quite prepared to accept the view suggested in the Honourable Member's question.

(*c*) Yes.

(*d*) Government are not aware that the article gives legal grounds for taking action.

Statement showing the tour expenses of, and places visited by, the Honourable Sir Frederick Whyte during his tenure of office as President of the Legislative Assembly.

Year.	Places visited.	Expenditure incurred.	Remarks.
		Rs. a. p.	
1921-1922.	Calcutta, Dacca, Patna, Poona, Bombay, Calcutta, Rangoon, Mandalay, Moulmein and Martaban.	2,137 4 0	Includes the expenditure incurred during Sir F. Whyte's tour as Chairman of the Burma Reforms Committee.
1922-1923.	Calcutta, Dacca, Pandu, Shillong, Ranchi, Katgodam, Nainital, Bareilly, Bombay, Madras, Tanjore, Trichinopoly and Calcutta.	6,604 4 3	Excludes expenditure incurred on reserved compartments and cabins which it has not been possible to ascertain.
1923-1924.	Calcutta, Lucknow and Lahore.	2,910 3 0	
1924-1925.	Patna, Calcutta and Gwalior ..	2,843 9 0	
1925-26.	Peshawar and Taxila ..	380 4 0	
	Total ..	14,875 8 3	

Mr. Gaya Prasad Singh: *Is it not a fact that the Selborne Committee recommended the step which Sir Frederick Whyte and the present President have followed ?*

Mr. President: *I have already informed Honourable Members that I propose to make a statement on the subject.*

ARTICLE IN THE *Times of India* REGARDING THE RECENT TOUR OF THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY.

514. ***Maulvi Abdul Matin Chaudhury**: (*a*) Has the attention of the Honourable the President been drawn to the article published in the *Times of India* of 25th August, criticising the Honourable the President of the Assembly for undertaking the recent tour in the Provinces ?

(*b*) Will the Honourable the President be pleased to state if there is any bar to such a tour being undertaken by the President ? If so, was such a bar applied in the case of Sir Frederick Whyte ?

(*c*) Is the Honourable the President aware that the Selbourne Committee expressed the wish that the President of the Assembly should keep himself in touch with the provincial Presidents ?

(*d*) Is the Honourable the President aware that the Indian Press has welcomed the Honourable the President's tour as conducive to a better understanding of the working of the various Legislatures and the application of a uniform practice and procedure ?

(*e*) Is the Honourable the President aware that since the inauguration of the reformed Councils the utility of the Honourable the President's tour has never been questioned in this House nor has the expenditure incurred therefor criticised ?

(No answer was given to this question.)

Maulvi Abdul Matin Chaudhury: My question has not been answered.

Mr. President: You will get the answer in due course.

CONCESSIONS TO OFFICERS OF THE INDIAN MEDICAL SERVICE.

515. ***Mr. Vidya Sagar Pandya**: (*a*) Is it a fact that a Lieutenant on probation in the Indian Medical Service who is seconded while holding a resident appointment in a recognised civil hospital in England, reckons such period, up to maximum of one year, towards service for pension ?

(*b*) Is it a fact that the above regulation was amended by Army Instruction (India), Part B. 135 of 1927, and this concession was extended to officers who have held resident appointments in some recognised civil hospitals in India as well, and that the period will count not only towards pension, but also towards promotion and increment of pay up to a maximum of one year ?

(*c*) Is it a fact that this concession is only applicable to officers who are appointed on or after 1st July 1926 ?

Mr. G. M. Young: (*a*) and (*b*). The answer is in the affirmative.

(*c*) Both concessions, that is those mentioned in (*a*) and (*b*) respectively, are applicable to officers only who are appointed on or after the 1st July 1926.

COUNTING TOWARDS PENSION, PROMOTION, ETC., OF SERVICE RENDERED UNDER THE PROVINCIAL GOVERNMENTS BY OFFICERS WHO VOLUNTEERED FOR SERVICE IN THE INDIAN MEDICAL SERVICE DURING THE WAR.

516. ***Mr. Vidya Sagar Pandya** : 1. (*a*) Is it a fact that during the war, several officers of the Medical Service holding civil appointments under Provincial Governments, and who held resident appointments in civil hospitals, volunteered for the I. M. S. and later some of them were permanently recruited in the I. M. S. ?

(*b*) Is it a fact that when these officers were asked to volunteer they were given a definite promise that every consideration would be shown to them in the matter of their future service ?

(*c*) Is it a fact that some of these officers had 4 or 5 years of permanent Government service without any break, before they were recruited in the I. M. S. ?

(*d*) Is it also a fact that these few officers are now not being allowed to count their previous Government service towards pension, promotion and increment of pay although officers who have been appointed after the War are allowed the privilege of reckoning such period of civil appointment up to maximum of one year ?

2. Is it a fact that in no other department, *e.g.*, Police, Forest, Education, etc., if an officer is transferred from the Provincial to the Imperial service, does he lose any period of service spent under the Provincial Government ?

3. Is it a fact that I. M. S. officers who had been originally engaged for plague duty and were afterwards appointed to the I. M. S. count the period of their plague service for pension ?

4. In view of these facts do Government propose in the case of these few officers, who were recruited from the Provincial Medical Service to the I. M. S., to grant them the concession of counting their previous service under the Provincial Governments towards pension, promotion and increments of pay in the present service in the I. M. S. ?

Mr. G. M. Young : 1. (*a*) Yes.

(*b*) No, Sir. The terms on which volunteers were called for referred purely to temporary service during the war, and no guarantee of permanent service in the I. M. S. was, or indeed could have been, given. All those who volunteered could have returned to their civil careers if they had wished and could have counted all their military service towards pension, promotion and increments of pay in their own cadres.

(*c*) The details of the previous service under Local Governments of those who succeeded in obtaining permanent commissions in the I. M. S. are not immediately available, but it is probable that the Honourable Member is correct.

(*d*) The reply to the first portion is in the affirmative. The privilege referred to in the second portion has only recently been granted to officers appointed on or after the 1st July, 1926, in respect of certain prescribed civil appointments held before recruitment to the I. M. S.

2. I presume that the words " in no other Department " in this part of the question are a clerical error for " in every other Department ". Answering this question in this sense, I may say that when an officer is transferred from a Provincial to an Imperial Service such as those mentioned by the Honourable Member, he continues to serve under the Provincial Government concerned and there are special rules to govern the treatment of his previous service. The case is entirely different when an officer belonging to a Civil and Provincial Medical Service does not rejoin that service but is permitted, on his own application, to join an Imperial Military Medical Service.

3. Yes.

4. I will have the Honourable Member's proposal examined so far as pension is concerned. I would point out, however, that the officers in question joined the I. M. S. on their own application and with no prospect of receiving any such concession.

DISMISSAL OF A LARGE NUMBER OF EXPERIENCED PATWARIS, GIRDWARAS, MERABS AND NAIB TEHSILDARS BY THE SETTLEMENT OFFICERS, PESHAWAR.

517. ***Mr. A. H. Ghuznavi** : (*a*) Is it a fact that a large number of experienced old Patwaris, Girdwaras, Merabs and Naib Tahsildars have been dismissed by the Settlement Officer, Peshawar ?

(*b*) Will the Government be pleased to lay a statement on the table showing the reasons for such dismissal and the number of appeals preferred before the Revenue Commissioner that have been accepted ?

Mr. G. S. Bajpai : Enquiries have been made and the information asked for will be supplied to the Honourable Member in due course.

QUESTIONS NOT PUT, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

ELIGIBILITY OF CIVILIAN JUDGES FOR THE OFFICE OF CHIEF JUSTICE OF A HIGH COURT.

481. ***Mr. C. S. Ranga Iyer** : (*a*) Will the Government be pleased to state if it is a fact that according to the practice and law in force in this country Civilian Judges have not been eligible for the office of the Chief Justice of High Courts ?

(*b*) Are the Government aware that Indian public and legal opinion has taken exception to the Indian High Courts Bill before Parliament introducing a change in the said practice and law by making Civilian Judges eligible for the office of the Chief Justice of High Courts ?

(*c*) Will the Government be pleased to state if any correspondence has taken place between His Majesty's Government and the Government of India on this subject ?

(*d*) Will the Government be pleased to lay on the table the said correspondence ? If not, why not ?

(*e*) Will the Government be pleased to state whether they have approved of the contemplated change in the practice and law in regard to the eligibility of Civilian Judges for the Chief Justiceship of High Courts ?

(*f*) Do the Government propose to take the opinion of the High Court Judges and leading barristers, Bar Associations and public bodies on this subject ? If not, why not ?

The Honourable Mr. J. Crerar : (*a*) The law as hitherto interpreted precludes persons other than barristers of England or Ireland or members of the Faculty of Advocates in Scotland from being appointed as permanent Chief Justices of High Courts. There is, however, no bar to the appointment of Civilian Judges to act as Chief Justices.

(*b*) Government are aware that exception has been taken in the Press and in public meetings to the provisions of the Bill.

(*c*) The Bill is the result of consultation between the Government of India and the Secretary of State.

(*d*) Government are not prepared to lay the correspondence on the table.

(*e*) The Government of India are in agreement with the amendments included in the Bill.

(*f*) The Honourable Member is referred to the answer given by me to part (*b*) of question No. 155 asked by Mr. Gaya Prasad Singh on the 5th September 1928.

LEAVE AND PENSION RULES FOR INFERIOR SERVANTS OF THE GOVERNMENT OF INDIA.

482. ***Mr. C. S. Ranga Iyer** : Will the Government be pleased to state if they propose to give the employees of the Government of India classed as menials and whose service is regarded as " inferior " the same privileges as regards leave and pension as are given to the employees whose service is regarded as " superior " ? If " yes ", when ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The Government of India are actively considering what reasonable amelioration of leave and pension terms they can afford to give to their inferior servants, and hope to reach a decision on both issues within a year. They are not prepared to grant them the same leave privileges as are now enjoyed by their " superior " servants, because these have been shown by experience to be in certain respects unduly liberal. Till the Classification Rules are published, the Government of India have themselves no power as regards pensions, beyond undertaking to continue the existing temporary increases in small pensions till 31st October, 1929 ; but they intend in the meantime to formulate pensionary terms for their inferior servants in the light of what Provincial Governments, within whose limits the majority of their inferior servants settle on retirement, grant, under their recently conferred powers, to the inferior servants under their control.

THE CHANDPUR-BIJNOR-MUAZZAMPUR-NARAIN RAILWAY.

483. ***Mr. C. S. Ranga Iyer** : Will the Government be pleased to state :

(*a*) When the new railway construction in District Bijnor (United Provinces) will be complete ?

(*b*) How many miles this new extension from Chandpur will be covering ?

(*c*) What progress has been so far made ?

(*d*) What is the plan of the new construction ?

(*e*) Whether it will connect besides Bijnor (the district headquarters) that part of the district where the annual Mela (fair) is held on the banks of the Ganges which thousands of people attend ?

(*f*) If the answer to (*e*) is in the affirmative, whether Ganj, the neighbouring village for the Mela, will have a railway station ?

(*g*) Whether the Government are aware Ganj is a place of great religious importance with " Vidur Kuti " (the hut of Vidura of Mahabharat times) in its neighbourhood ?

(*h*) Are the Government aware that the building of a station in Ganj will be a paying proposition besides giving facilities to pilgrims ?

Mr. A. A. L. Parsons : (*a*) The Chandpur-Bijnor-Muazzampur Narain Railway is expected to be completed by the 31st July, 1929.

(*b*) About 37 miles.

(*c*) About one-fifth of the work has been completed.

(*d*) The alignment is *via* Haldaur, Bijnor and Kiratpur to Muazzampur Narain.

(*e*) and (*f*). The line will not pass through Daranagar Ganj.

(*g*) Government have no information on this point.

(*h*) The alignment which appeared to be most profitable was adopted. So far as I am aware, no proposal for joining up Daranagar Ganj was investigated, and it seems unlikely that it would be profitable since the distance to Jhalu from Bijnor is only some seven miles.

PROTECTORS OF PILGRIMS.

487. ***Mr. Anwar-ul-Azim** : Will Government be pleased to state whether it is a fact that the Protector of Pilgrims in all the Provinces is the *de facto* head of the Pilgrim Department and that he has no direct control or any say in the matters of recruitment for permanent positions under him ? If so, why ?

Mr. G. S. Bajpai : There is a Protector of Pilgrims at each of the three ports, Bombay, Karachi and Calcutta. He is not the head of the Pilgrim Department. Protectors of Pilgrims at Bombay and Karachi are consulted before making appointments under them.

RULES REGULATING THE APPOINTMENT, WORKING AND DISMISSAL OF VENDORS EMPLOYED AT RAILWAY STATIONS.

490. ***Maulvi Muhammad Yakub** : (*a*) What are the rules for the appointment, working, and dismissal of the vending licencees at stations ? Are they the same on all Railways, or is there any difference ?

(*b*) Do these licencees have any stability or are their licences liable to be cancelled at the will of the officers ?

(*c*) Are Government aware that these licencees have to spend a lot on the purchase of the crockery, utensils, etc., before taking up the work ?

Mr. A. A. L. Parsons : The rules vary on each railway. I am seeing if I can obtain for the Honourable Member information on the subject ; it is not at present in the possession of the Railway Board.

LICENCES FOR SELLING PAN AND CIGARETTES AT RAILWAY STATIONS ON THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

491. ***Maulvi Muhammad Yakub :** Are Government aware that during the time Mr. Flowerdew was Divisional Superintendent in Moradabad Division, it was ruled that the licence for selling pan and cigarettes at stations be reserved for retired employees, such as signallers, ticket collectors, guards, etc., who had no extra income while station masters, goods clerks, parcel clerks, etc., were excluded from this benefit, while catering and other such licences were left with those who have experience of the job ?

DISCHARGE OF CERTAIN VENDORS EMPLOYED AT MORADABAD STATION ON THE EAST INDIAN RAILWAY.

492. ***Maulvi Muhammad Yakub :** (*a*) Are Government aware that the Hindu and Muhammadan vendors of eatables at Moradabad station have been turned out ? Is it a fact that the Muslim vendor was an *ex*-guard who was injured in an accident, while the Hindu vendor was an old experienced *halwai* who holds several shops on the Oudh and Rohilkhand section ?

(*b*) Is it a fact that this Hindu vendor wanted some more rooms for his catering, store, etc., which were refused to him but have been allowed to the new vendor ?

TEA VENDORS AT STATIONS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

493. ***Maulvi Muhammad Yakub :** (*a*) Is it a fact that several tea vendors (who had to get new counters and stalls prepared at a heavy cost) at stations are being turned out in the Moradabad Division and are being replaced by new vendors ?

(*b*) Do Government propose to provide counters, stalls, crockery, catering utensils, from Government store, so that these vendors may not have to suffer such heavy losses when being turned out ?

Mr. A. A. L. Parsons : I propose with your permission, Sir, to reply to questions Nos. 491 to 493 together. Government are not acquainted with the position in regard to vendors in the Moradabad Division, but will obtain the information for the Honourable Member from the Agent of the East Indian Railway.

ALLEGATIONS AGAINST RAI SAHIB RALLA RAM, RETIRED STATION MASTER OF HARDWAR.

494. ***Maulvi Muhammad Yakub :** (*a*) Is it a fact that Rai Sahib Ralla Ram, the retired station master of Hardwar and the holder of the catering licence at the Lhaksar station, took a lot of his friends along with his sons, and heavy luggage, in his son's marriage party from Hardwar to Amritsar, or, Lahore without tickets possibly in a second class carriage, and got one extra second class attached to the train from Hardwar and travelled both ways without tickets ?

(*b*) Is it a fact that an enquiry was made and the whole matter came to light, but the case was dropped ?

Mr. A. A. L. Parsons : Government have no information. They are drawing the attention of the Agents of the East Indian and North-Western Railways to the allegations in order that any action that may be necessary may be taken.

SALE OF CINDER BY THE EAST INDIAN RAILWAY.

495. ***Maulvi Muhammad Yakub :** Are Government aware that for the sale of cinder on the Oudh and Rohilkhand Railway, time was allotted to contractors and now the East Indian Railway sells it through its highly paid officials ? Which of the two courses shows a profit to the Railway ?

Mr. A. A. L. Parsons : I am making enquiries from the Agent of the East Indian Railway and will communicate with the Honourable Member later.

OPENING OF NEW STATIONS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

496. ***Maulvi Muhammad Yakub :** Are Government aware that some new stations were proposed to be opened in the Moradabad Division and the buildings were even constructed on the sites, but they are not yet opened, while the buildings of others are lying in an incomplete stage ? Will the Government say why this heavy expenditure was incurred for buildings for stations which have not been opened ?

Mr. A. A. L. Parsons : The Agent is being asked to report what the exact position is, and I will communicate with the Honourable Member on receipt of his reply.

UNCOVERED OVERBRIDGES AT HARDWAR AND LHAKSAR ON THE EAST INDIAN RAILWAY.

497. ***Maulvi Muhammad Yakub :** (*a*) Are Government aware that the overbridges at Hardwar and Lhaksar stations are uncovered and there is no shade to protect the passengers during the rains, *loo*, and strong cold winds during the winter ?

(*b*) Do Government propose to arrange to provide earlier coverings, etc., on them ?

Mr. A. A. L. Parsons : Government are not aware of the exact position on these stations. They are sending a copy of the Honourable Member's question to the Agent of the East Indian Railway, who will no doubt consider whether the arrangements require improvement.

WATER SUPPLY AT RAILWAY STATIONS.

498. ***Maulvi Muhammad Yakub** : (*a*) Are Government aware that the water supply at stations on the Railways is still insufficient, and no one cares for it ? Do Government propose to order an increase in the number of watermen, to ensure a sufficient supply of pure water on the train as well as on the stations, and to charge the Travelling Ticket Examiners, Crews, and other railway employees to see that there is sufficient pure water at times on the platform ?

Mr. A. A. L. Parsons : I am unable to accept the Honourable Member's suggestion that the improvement of the arrangements for water supply at stations is being disregarded. On the contrary it is a matter which is continuing to receive the special attention of all Railways. For example, the North-Western Railway have employed 500 additional watermen this year over and above the hot weather scale of last year, and tube wells have been installed at 32 stations. On Railways as a whole many extra taps and hundreds of improved type covered *ghara* stands have been erected, while in certain instances special water inspectors have been engaged. Opinions regarding travelling watermen vary on different Railways. For example, the Bengal Nagpur Railway, which is among those which have tried this experiment, have come to the conclusion that water arrangements in trains are not satisfactory, and their local Advisory Committee have concurred with them. Consequently, they have returned to the system of providing watermen at stations at convenient intervals. I should add that this, as well as other matters affecting the comfort of the third class passenger, will shortly be discussed with the Central Advisory Council for Railways.

TIMINGS OF THE MORADABAD-SAMBHAL BRANCH TRAIN SERVICE.

499. ***Maulvi Muhammad Yakub** : (*a*) Are Government aware that the present times of the Moradabad-Sambhal branch train service are highly inconvenient for the travelling public of both the places ?

(*b*) Are Government aware that owing to the bad times of the train nearly half a dozen motor buses and motor cars have been introduced between the two places ?

(*c*) Do Government propose to direct the authorities concerned to alter the timings according to the convenience of the travelling public ?

Mr. A. A. L. Parsons : The Honourable Member's question is the first indication that Government have received that the timings of this service are not convenient, and that competition by road motors is therefore being encountered. They cannot themselves undertake the arrangements for timetables, but are asking the Agent to have the matter looked into.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL—*contd.*

Mr. President : The House will now resume further consideration of the following motion and amendments moved on the 10th September, 1928 :

Motion of Mr. J. Crerar that the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, be taken into consideration.

Amendment of Mr. Amar Nath Dutt: that the Bill be circulated for the purpose of eliciting opinions thereon.

Further amendment of Sir Hari Singh Gour that the Bill be referred to a Select Committee consisting of Mr. Fazal Ibrahim Rahimtulla, Sir Victor Sassoon, Nawab Sir Zulfiqar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover, with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Sardar Bahadur Captain Hira Singh Brar (Punjab : Nominated Non-Official) : Sir, to my mind, no man in this House, who has a little interest or a little love of his country at heart, who feels the pain of those poor cultivators who work in the fields and those working classes and depressed classes and feels their pain like his own, can do anything but accept this measure which is meant to protect him from a curse which is expected to disturb the peace and the comforts that he now enjoys. Well, Sir, the objection to the Bill is that it is against the tradition and culture of the Indian people, and I hope the Bill will not be opposed by the Honourable Members. But there may be some people here who dislike, I am sorry to say, the British connection ; there may be very few, or perhaps there may be one or two only, who are as afraid of the British connection or the British Empire as a bull is afraid of a red rag ; I do not know why. We have got to live here ; we have got to live under the Government ; we have got to get protection ; if we have got to live together and co-operate, I do not see, what can be the reason, for not giving such a small power to the Government (*An Honourable Member* " Oh ") to deal with those inhuman and barbarous people called Red Agents, the Bolshevik Agents. But even in their case, Sir, if our friends have real sympathy for our own country, even if they have a hatred for England, they ought for the sake of their poor untouchables and for the sake of their poor working classes and for the sake of their poor depressed classes, to support this Bill, for which, I am sure, those poor classes will be ever grateful to the House, which is responsible for their welfare and for their peace and contentment. This Bill, in my opinion, only seeks to kill those nasty germs which are expected to spread amongst those poor classes, whose trouble and pain, I am sure, is not felt by many Members here ; and if that poison is allowed to spread amongst the agricultural classes and the cultivators and in the classes from which the Army is drawn, I think the peace of India will be in great danger. What will happen, Sir ? When some of my friends are enjoying their life in big palaces, in those luxurious motor cars, and having their *chota* peg towards the evening, some people will walk in out of those classes, who have no palace—I think they have to find some way for living—then they will come forward and they will come with determination that they must share their motor cars, etc., with people who are not allowing them to enjoy their own peace. Now, what will be the remedy ? It will be too late then, Sir, to invent or to pass a Bill at that time. Why not kill that enemy now ? Why not kill that *Sampka bacha* now ? It is coming no doubt ; otherwise, I am sure, the House would not have been so alert. Why such a big row for such a small thing ? Well, Sir, it is your responsibility. Do not think that the responsibility lies on the Back-benches here. You will be responsible there. You will be far away from those places when the police, the unfortunate police, your Indian police, will be ordered and to open fire. Already they have had to do so at some places and they have had to destroy many lives, have had to kill many people. Does not loss of life and property and shooting

[Captain Hira Singh Brar.]

on the railways on the Bengal Nagpur Railway at Kharagpur, and at Bombay, Madras and Calcutta occur very frequently? Instead of doing something about it, if you oppose this Bill, the opposite Benches will be responsible for that and they will be attacked severely for it. Well, Sir, you are responsible for that and I hope you will realise the responsibility which lies on you and you will not mistake to safeguard their interests, and you will not miss that chance. You belong to the intelligentsia class, you represent the people here. Think it over and over, do not be afraid that Mrs. Annie Besant or Mr. Horniman will be removed. If Mr. Horniman is removed, another Mr. Spratt or somebody else will come. Do not be afraid of that. I am sure the Government, which is dealing with these matters, and dealing with them tactfully and dutifully (Ironical cheers from the Opposition Benches) will not make a mistake and carry out such things which will displease the Honourable Members over there. They will try their best, and they are trying their best, as far as I can see, to please all the Swarajist Members and also all the other Members.

Well, Sir, the genius of India and the temper of those poor classes has no connection whatever with the pernicious, atheistic and destructive teachings of Moscow. The masses do not think about it, but there are a few Members here who have something wrong with them, some sort of brain fever, who are always afraid of these little powers. The powers are only going to be used to remove all that evil influence which is expected to spread in India. If you are responsible, and the responsibility lies on your shoulders, Government is sure to take severe measures, more severe than what is being introduced here now.

Well, Sir, I cannot myself imagine a greater calamity than to allow Bolshevism to spread amongst our poor classes. The damage which has already been done by these principles is great and we do not want any more damage done amongst those poor people. Almost in every country in Europe they have suffered from the same thing, and they have all found out the result is due to the Bolshevist agents, and then we have seen and know all that has occurred. Why then should we not protect all those poor people? The Honourable Members here know that the working classes are very simple. They are always ready and reasonable to compromise their grievances, and you know very well when it happens you are living in a village that they are not educated. They do not know all those tricks and they come ready to compromise and settle their case, but when some of our friends who simply like to stir up trouble among those classes come among them they like to see the *tamasha*. These people are stirred up by the foreigners and I would even go so far as to say by the Indians who join that barbarous organisation to cause revolution, but none of them would like to walk on that painful road.

We have already got some bitter plague, *viz.*, the communal plague, I should call it in India, which causes great trouble every now and then, and if you add another disturbing factor to that plague, then the responsibility lies on you and you must take that responsibility.

Mr. President : Order, order. The Honourable Member is ignoring the Chair and addressing the Honourable Members.

Sardar Bahadur Captain Hira Singh Brar : We hope that the Members of this House realising the principles of this Bill will whole-heartedly support the Bill and will not try to oppose it in any way as I have requested them in my humble request. Perhaps I am taking up the time of the House. (*Cries* from the Opposition Benches of "Oh, no, go on, go on, this is your maiden speech and we are all very interested.") Most Members would perhaps like to delay this Bill and in that sense I have spoken what I wanted to, but of course if that is the case I think some Honourable Members on the opposite side will do that for me, and so with these few words I support this Bill and hope that it will be sent to Select Committee as suggested by the Honourable Sir Hari Singh Gour.

Mr. Srish Chandra Dutta (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, I beg to move my amendment, namely :

"That the following names be added to the Select Committee proposed by Sir Hari Singh Gour.....

Mr. President : Order, order. The Honourable Member is not entitled to address the House unless he is called upon.

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Mr. President, the group to which I have the honour to belong approves of the principle of this Bill, but does not necessarily approve of all the details of the Bill, and we therefore shall support the reference to Select Committee. I propose, therefore, to limit my observations to the principles of the Bill and endeavour to avoid a Select Committee speech on its merits and demerits.

The reception of this Bill by the Benches opposite has, I confess, somewhat confused me, but it may be that that is largely due to the number of political cross-currents that are now in existence. One thing may be noticed and that is there is a singular lack of knowledge as to the existence of similar provisions in other parts of the world. My friend, Mr. Ranga Iyer, who is generally so well informed, appears to think that if a measure of this sort were moved in the House of Commons, the very Speaker would faint with surprise. It is perfectly true that the measure that does exist in England only refers to aliens and does not refer to other members of the British Empire. But my Honourable friend Mr. Ranga Iyer went even further. He referred to that land—I do not want to misquote him—he referred to that land where "liberty runs riot". He referred to the United States of America and he appeared to think that under no circumstances could any measure of this description find its place on the Statute-book of the United States. Unfortunately for my Honourable friend Mr. Ranga Iyer such legislation does exist in the Statutes of the United States (Hear, hear) in the form of emigration laws and such laws are based on even wider terms than occur in this Bill. In reply to the categorical question that Mr. Ranga Iyer put, I say that this Bill excludes Indian British subjects and if I may be allowed to answer his question, the American Act does not refer to or exclude any particular nationality at all. I should not at all be surprised, if, for instance, in the event of an American citizen going to Moscow and getting trained in their nefarious propaganda the American Government had the power to refuse to readmit him into America and to request him to return to his spiritual home. Further, I would like this House to appreciate this fact, and that is, that the legislation actually in force in Australia and in South Africa is based not on British legislation, but is based on American legislation and at the present time both South Africa and Australia have the right to refuse admittance to an Indian Communist

[Sir Victor Sassoon.]

and a British Communist or a Communist of any other kind. My Honourable friend Pandit Motilal Nehru seemed to me the other day to be very much exercised in spirit at what he considered to be an attack on the inherent rights of Britishers under this Bill, and in view of the apparent apathy of Members of this group to which I belong, he very nobly stood forward as the champion of the Britisher in India. (Hear, hear.) We are very grateful to the Honourable Member for his kind solicitude and we shall not forget his chivalrous action, nor shall we fail to call on him for help when we feel that the position of Englishmen in India is likely to be affected by legislation under the present constitution or any possible future constitution (Hear, hear) and I feel sure that we will not call on him in vain. (Laughter.) As regards the Englishmen in India, I mean the Englishmen established in India, we do not propose to pursue a policy of apathy and if this House will allow this Bill to go to the Select Committee we shall do our best, with the help of the Honourable Member, Pandit Motilal Nehru, to make it acceptable. But as regards the type of Britisher who is affected by this Bill, we do not consider that he needs any consideration. (Hear, hear.) We consider that the Communist or the Bolshevik Englishman is one who has foregone all claims to national consideration. He is a man whose views and whose principles are not bounded by the limitations of nationality. His views spread over the great horizon, over the great international horizon, a horizon of course of the Russian brand. I therefore do not consider that we need in any way protect him. As regards the wider question as to whether the mere fact that he is a Britisher should make us overlook the points that I have just mentioned, and whether in doing so, we are being inconsistent, I am prepared to take up that challenge. I maintain that Members of this group have always supported Indian public opinion against racial discrimination in South Africa. In supporting the demand which is now being brought forward by the Government what are we doing? We are merely consistently supporting our antipathy to racial discrimination and saying to this House, why should we not be allowed to send away a South African Communist when they are allowed to deport an Indian Communist. (Hear, hear.) I therefore maintain that our policy is absolutely consistent, as I hope it will always be.

This, however, is not the only apparently topsy-turvy attitude of criticisms of this Bill. Let me take the attitude of my Honourable friend Mr. Joshi.

Mr. N. M. Joshi (Nominated : Labour Interests) : I have not spoken yet. (Laughter.)

Sir Victor Sassoon : Judging from what my Honourable friend Mr. Joshi has told me in the past and judging from the amendments that I see standing in his name on the paper I understand that he does not approve of the principle of this Bill at any rate at the moment. I think I am therefore quite correct in assuming that he is at the moment in doubt until his doubts have been removed by my and other speakers' arguments when he would no doubt be entirely in favour of this Bill. I do not know why Mr. Joshi is against the Bill. Though I have not heard him speak, yet judging from the interruption he made during the speech of my Honourable friend Captain Hira Singh, he is apparently

dazzled by the prospect of sharing a motor car and a *chota* peg if Bolshevism is successful in India. Let me assure Mr. Joshi not only on behalf of Mr. Birla and myself, but on behalf of all the capitalists of India that we shall be only too glad to give a free ride in our motor cars and give a *chota* peg in addition (Laughter.) Now let me draw Mr. Joshi's attention particularly to the remarks of Sir Hari Singh Gour. Sir Hari Singh Gour quite rightly pointed out that if Communist principles are to prevail in this country, then not only will the capitalists and upholders of religion in this country be " liquidated "—that is the proper technical Communist expression—but the trade unionists of the type of Mr. Joshi will be sooner or later efficaciously and possibly painfully eliminated. (Laughter.) Honourable Members must not laugh, it is not only Mr. Joshi who will suffer. The intelligentsia is by no means likely to escape unscathed and with the exception possibly of a few—again I quote a Communist technical expression—" declassed intellectuals " who may be considered necessary temporarily to carry on the administration of the State, they too may find themselves in the same position as the capitalists, the upholders of religion and Mr. Joshi.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Will they not destroy the idols of the temples, and orthodox Hindus will revolt against them ?

Sir Victor Sassoon : I might quote a phrase from a book I have been reading lately on the life of Lenin, and a book by no means unsympathetic to Lenin or his life. It says that not the least of the sacrifices demanded by the Revolution is the sufferings of all cultured classes. And yet here apparently, I hope I am wrong, we find Mr. Joshi opposing a Bill which in effect at least in one of its effects—makes it a policy of discriminating protection in favour of the indigenous agitator against the imported foreign product. Here is Mr. Johsi, who for months has been fighting tooth and nail against a body of Communists in Bombay who have been very ably advised by a British Communist—here is Mr. Joshi, in spite of the apparent lack of success of his efforts apparently—I say apparently till he makes a definite statement on the subject—apparently declining to be protected.

12 Noon.

And here let me deal with a possible criticism. It may be said that however true these remarks of mine may be, there is no urgency for this measure, that there is not at the present time a large number of foreign or British Communists in India, and that we should wait until the number is sensibly increased before we take steps. Sir, the success or the failure of an army on the field of battle depends very largely on its Commander-in-Chief, it depends possibly in some cases entirely on the ability of the man who directs the battle. The Communists who are settled over here are not members of the rank and file : they are trained leaders, trained propagandists ; and the success which has attended the efforts of the Communist band, not only in the Bombay textile industry, in spite of the efforts of my friend Mr. Joshi, proves that their leadership—and I am perfectly prepared to give credit where credit is due—that their leadership has been by no means futile.

Mr. B. Das (Orissa Division : Non-Muhammadan) : What proof have you got ?

Sir Victor Sassoon : And I would like to say that the leadership which is directing the energies of the Red contingent in Bombay is not

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confining itself to Bombay alone. It is co-ordinating the disruptive forces throughout India. Every move is a move carried out under a well-thought out policy.

Mr. B. Das : How do you know ? Are you in their confidence ?

Sir Victor Sassoon : In spite of my friend Mr. Das's lack of appreciation of the poor brain that I may have, I can appreciate efficiency when I see it, and what I think is likely to happen is this ; that the success which has attended the efforts of the foreign element,—and in this case I call the British Communist element a foreign element, for it is foreign to India as it is foreign to Britain too—the success of this foreign element will naturally encourage them to strengthen the weak spots in their organisation by bringing out further help. It is because I want the Government to be in a position to break up this organisation before it has been able to establish itself, before it has been able to teach our Indian fellow-citizens how to carry on this poisonous work, that I maintain that this Bill is by no means introduced too soon, that it is not a moment too soon to put this Bill on the Statute-book.

Now, Sir, one naturally asks oneself, what is the solution of this riddle, this apparent desire of Members of this House to commit not political suicide but literal suicide. In my opinion the reason is a twofold one. In the first place, a convention has risen among the Benches opposite that no measure proposed by the Government can possibly be a good one.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : 90 per cent. of them are not.

Sir Victor Sassoon : And further that where a Bill is apparently a good one that is all the more reason to treat it with suspicion as containing some Machiavellian intent.

Mr. Jamnadas M. Mehta : Quite right.

Sir Victor Sassoon : That I think is the first cause of the opposition from Members of this House who come from a class which one would naturally assume would be in favour of the principle of this Bill. Now what about the second cause ? I think the second cause is this—a complete lack of belief that a country like India containing millions of small landholders and peasant proprietors all of whom are imbued with the very strictest and deepest religious principles,—a lack of belief that such a land could possibly prove favourable soil for this Bolshevik seed, and that even if some misguided individuals were to be tainted by the Red poison, such a band could only constitute a small group of cranks, who would never be tolerated by the masses of this country should they say publicly what their real opinions and views were. I cannot disregard such an argument because I too have shared that view until very lately. I am not one of those men who have Bolshevism on the brain. I have not gone about assuming that in every rising against capital, in every expression of dissatisfaction against the Government, the Bolsheviks' hand was the cause. I do endeavour to look at such expressions of dissatisfaction in a cool, dispassionate way and attempt to analyse them, and I have great sympathy with the view which I have just given voice to, because until a very short time ago I shared that view. This House, Sir, may

be aware of the fact that my business interests necessitate my paying regular visits to China. Two years ago I had an opportunity of meeting in Canton supporters and members of the Nationalist Government of Canton and although I do not wish to boast to this Assembly I too was invited to lunch by men who in China are held in very high political repute. I think I must hasten to add, however, that unlike Mr. Ranga Iyer I was only offered a lemonade ! My nationalist friends said to me " You British people are saying that we are Red. We are not only not red ; we are not even pink ; we are Chinese. We are waging a war on the militarists of the North—a war to a finish—and we need help. We should be only too glad to receive help from you British. We have asked you to help us ; we have asked the Americans to help us ; we have asked the Japanese to help us ; but nobody has expressed themselves as prepared to help us except Soviet Russia ; so we have accepted their aid, and from them we have received munitions and arms ; we have received advisers, military and civil ; they have established military schools for us and schools of propaganda ; they have taught us administration and they have taught us efficiency. We are forced, if we are to succeed in our struggle with the North, to accept their help because you will not give yours to us. But because we accept their help, that does not mean that we accept their principles ; and in our opinion the people of China will no more absorb these foreign principles from Russia to-day than they have absorbed foreign principles from anywhere else in the past or likely to in the future—principles of this kind which are entirely antagonistic to the whole social fabric of China and its population ". That, Sir, was two years ago. I have returned only a few weeks ago from China. When I left the Assembly at Delhi I went straight out to China and there—not in Canton, but on the Yangtse River—Shanghai and Hankow—I again met and was introduced to nationalist friends who were high up in the counsels of the Government and some of whom were actually members of the Government ; and then I found they had a very different tale to tell. They told me that after their rapid success and advance on the Yangtse River—an advance, the success of which was almost unprecedented,—their Russian advisers were no longer prepared to continue in the same loyal and helpful manner as before, but insisted on calling the tune, and the tune was that China should develop not on the nationalist lines of the Nationalist Government, but on the internationalist lines of Soviet Russia. The Nationalist Government of China after investigation realised that through Soviet propaganda the part of China under their sway was riddled with small Communist cells and they further realised that when you are dealing with Communists you cannot hope successfully to convert them by ordinary methods of persuasion. As Mr. Ranga Iyer said when referring to the Roy letter, " It was the letter of a lunatic to a lunatic " ; and there was a good deal of truth in what Mr. Ranga Iyer said. According to my Chinese friends, Bolshevism is a form of madness like hydrophobia, and you can no more expect to argue with success with an avowed Red than you can expect successfully to argue with a mad dog outside this Assembly. They therefore decided that there was only one way of dealing with these Reds and that was the way in which the Reds would have dealt with them. They took the most drastic action. I was informed in Hankow by the General to whom that work had been allotted, that he had had to send soldiers not only to the towns but right into the villages to execute any Chinese Communists

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found there : and in spite of this drastic action which has necessitated the execution of thousands of Chinese, the danger is by no means killed—it is only scotched. That is why, Sir, knowing as I do how in practice by allowing this movement free play, how quickly it gets out of hand, that I ask this House to follow the adage of my friend, Mr. Joshi, that prevention is better than cure. I want the House to realise that it is not only in China that the Red menace is growing, but that they have already planted their seed in Japan ; they are now concentrating on Japan. At the present time, I am told, one Katayana, known as the Japanese Lenin, who has been trained in Moscow, is either on his way or about to go to Japan to lead a concentrated attack on the forces of organised government. Knowing the Japanese Government, I do not think he will be allowed to go in unless he disguises himself ; but it may be that he will follow the example of his namesake, Lenin, and control it from outside Japanese territory, just as Lenin controlled the movement in Russia from Finland. That Russia is beginning to plant its seed in India is, I think, a fact that cannot be gainsaid. They began planting their seed in Japan while they concentrated on China and they will begin planting their seed here while they are concentrating on Japan.

With your permission, Sir, and with the permission of the House I shall say one word on the Roy letter. Mr. M. N. Roy, is reported to have said that he did not write that letter. I am inclined to agree with him, and the reason why I am inclined to think so is that when the Chinese Government raided the Soviet Legation in Peking they seized a number of documents, some of which have been reproduced and translated and some of which I had an opportunity of looking at ; and among those documents were a series of instructions to Communist cells of the character of workmen's and peasants' organisations. Speaking from memory, one of those set of instructions was practically identical with the one which has been read as the letter sent by Mr. Roy ; so although, judging from the evidence that the Home Member has given, this document was interlined with manuscript alternations in the handwriting known to be Roy's, apart from that I should think that probably it was merely a letter of instructions which he indented for from the department of propaganda ; and therefore in this particular case it is probably absolutely true that he did not actually write it. I have read further letters of instructions ; one of them incidentally was a letter of instructions as how to deal with trades union leaders. After gaining their confidence, the letter showed how the Communist was to worm his way into power and after winning over trades union members to their side to denounce the trades union leader as a running dog of the Imperialist and bourgeois. But there is also another letter of instructions which says that members of the Communist party are entitled to tell any falsehood, to betray any friend in the interests of their cause ; and I therefore maintain that even if Mr. Roy had written that letter, if he though it would be advantageous to his cause, he would not have had the slightest hesitation in calling it a forgery. As Trotzky wrote " Ilyitch Ulianov,"—I may say that that is the real name of Lenin—Lenin being only a pseudonym—" Ilyitch loved all the strategems of war ; the throwing of sand in the enemy's eyes and getting the better of him by ruse ". Lies or betrayals and little pastimes of that description merely come under the heading of ruses of war.

Sir, we are dealing with a dangerous national enemy. This particular Bill only deals with those who come from outside India—who attempt to enter this country. It merely tells them to go or sends them away. I do not think even if I were an ardent supporter of the Communists, even if I were as intimate a friend of Mr. Spratt, as is Mr. Ranga Iyer, I would really consider that I had a legitimate grievance if I were told to leave this country. Let us assume that I wanted to go to Russia to advance arguments in favour of a capitalistic form of Government. Let us assume that I tried to collect those who were not quite satisfied with the present mode of Government there and encouraged them in their opposition, pointing out how much superior the standard of living in America under capitalistic regime is to the standard in Russia at the present day. I think that if I only found myself in receipt of a polite request from the Soviet Government to exercise my talents elsewhere I could consider myself extremely fortunate. I therefore ask this House not to throw out the principle of this Bill, nor delay it by asking for circulation but to let it go to the Select Committee. Let us approve the principle which says that we are not going to allow Communists to come to this country. I agree that the Bill has a number of faults. I agree that some of the provisions of the Bill are much too wide and that these must be put right in Select Committee, but I do appeal to this House not to throw out the Bill or pass a dilatory motion unless there are Members in this House who really are in favour of eventual Red rule in India. I cannot see how anybody, however suspicious he may be of Government intentions, can argue against this Bill going to Select Committee. If it comes back in a form which is disapproved of we can always throw it out and I am glad to say that my friend Pandit Madan Mohan Malaviya has told me that he has no objection to this Bill going to Select Committee.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : I said I would agree to the Bill being referred to a Select Committee if certain vital matters will be agreed to in this House.

Sir Victor Sassoon : The principle of the Bill is to prevent Communist agents coming to this country. I am sure that my friend Pandit Madan Mohan Malaviya is not in favour of Red Communist agents coming to this country. As far as the details of the Bill are concerned regarding the prevention of other British subjects from coming into this country, that can be dealt with by restrictive clauses which can be put in in the Select Committee or when the Bill comes up for third reading.

Sir, I support the motion to refer the Bill to the Select Committee.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I rise to oppose the motion made by the Honourable the Home Member that this Bill be taken into consideration. Before I proceed to give my reasons for my opinion or for my position, I want to dispose of a part of the speech made by my friend Sir Victor Sassoon. He talked of the immigration laws of the United States of America and South Africa and perhaps of Australia too. I wish there had been laws of that kind in India. I know something of the immigration laws of the United States. They have absolutely nothing to do with the principle of this Bill. They are entirely based on different considerations and on different principles and they were enacted long before Bolshevism came into existence at all. Therefore I endorse Mr. Ranga Iyer's statement that a law of this kind

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would be thrown out by the Senate or the Congress of the United States in fact by any civilised Legislature (*Honourable Members* : "No, no." Wait a minute please. What is the principle of this Bill—not to stop the coming into India of the Bolshevik agents as my friend wants us to believe, but the principle of the Bill is to authorise the Executive Government of this country to pass executive orders for the expulsion of certain people from this country. That is the principle of this Bill.

Sir Victor Sassoon : Is that not possible in America ?

Lala Lajpat Rai : That is not possible in America. On any complaint made to the immigration authorities, to the Department of Labour and Immigration in the United States, they at once issue a notice to the person or persons concerned to come and show cause. Not only do they allow the persons concerned to show cause, but they also allow them to be defended by lawyers. I know of a case from personal knowledge. Mr. Hardyal, one of the most distinguished Indians who visited America—of course you may not agree with his views—was once in the United States. He was served with a notice of this kind and he was allowed to appear before the immigration authorities and show cause why he should not be deported. He was defended by lawyers. Then, furthermore, there is a provision in the law of the United States of America that the orders of the Labour Department and immigration authorities can be questioned in a court of law, at least in the Supreme Court of Judicature in that country. They have not given the executive the power to send anybody away without any notice, without any cause shown and without any defence being put in, such as this Bill seeks to give to the executive here. If they wanted to expel all Communist agents that come into this country, the law should have been framed differently. I will come to that later on. Having disposed of that part of the speech of Sir Victor Sassoon, I will point out that there are no laws of this kind in any civilised country. Nobody has shown yet that such a law exists in any country. It perhaps exists in Fascist Italy. If that is the model which the British Government is going to adopt, then, I am afraid, I cannot congratulate them.

Now, I shall come to the actual measure before me. I oppose it because I do not consider it to be an honest measure. When I say that, I do not mean the slightest possible reflection upon the honesty of any individual member of the Government, but I do charge the Government of India as a whole with dishonesty of purpose in sanctioning the introduction of the Bill in the way they have done. No justification whatever has been made out for the introduction of this measure. I heard very carefully the speech of the Honourable the Home Member. What was the material that he placed before this House as justification for his asking this House to legislate on such a matter in such haste. He quoted a pamphlet that was the subject of litigation in the United Provinces of Agra and Oudh in 1924 in a prosecution against certain Bolshevik propagandists. He also quoted from the letter of M. N. Roy. He quoted from another document that was circulated in India. I agree with my friend Sir Victor Sassoon when he said that probably this letter was not written by M. N. Roy. The matter which is included in this letter has already been before the British public and also for that reason before the Indian public. It was included in a Blue Book or White Book, I do not remember which, that was issued at the time when the Russian trade

agents were expelled from England on the ground of having violated the terms of the Treaty which that Government had entered into with the Government of Great Britain. All these instructions which you find in the letter of M. N. Roy published by the Associated Press of India are to be found in those publications. There is nothing new in the letter. I therefore deliberately charge the Government with having chosen their time to publish this letter with the object of creating an atmosphere for this legislation. It was stated by the Honourable the Home Member that the letter came into this country or at least was written in December last and my friend Mr. Ranga Iyer asked why the Associated Press of India and the *Statesman* were not prosecuted for disseminating seditious matter, as that letter does contain seditious matter. I can give him the reason for that. The reason for that is that the letter was probably made over to the Associated Press of India by the Government for the purpose of publication. It probably remained in the Government pigeon-holes for some time. The Government have not given us any indication as to how they came into possession of this letter. This Government, clever as it is in intercepting letters in the Post Office, probably intercepted it in the Post Office and kept it in its pigeon-holes for eight months to be used at the opportune time for legislation of this kind. How can they then prosecute the Associated Press of India or the *Statesman* for a thing which they themselves asked them to do ? I submit, Sir, that was an act of dishonesty on the part of Government to have kept that letter for so long, not to have published it before, but only just a few days before this Bill was introduced in this House.

Now, Sir, what I want to submit to this House is that those publications are not covered by this Bill. This Bill will not touch them. This House is asked to enact a measure which will authorise the Government by executive order to expel Communists ; so that part of the case put by the Home Member, *viz.*, relating to those documents, was perfectly irrelevant, and has absolutely nothing to do with the principle of this Bill. Then, Sir, we come to the actual agents, the Communists that have come to this country. So far as we know and as we were informed in that book called "India" written by the Director of the Publicity Bureau, there were two persons suspected to have been sent by the Russian Government or by Communists for the purpose of propaganda in this country. One of them has been in one of the jails of His Majesty and has been taking his repose ever since he came into this country. If he has been carrying on any propaganda from the jail, of which I do not know, then I submit, the responsibility lies on the Government, and not on "Comrade" Allison or anybody else. The other gentleman whose name has been taken is Mr. Spratt. My friend, Mr. Ranga Iyer, wants to give him a certificate and to make us believe that he is an angel. My friends on that side, the capitalists, want us to believe that he is the very embodiment of a devil. I express no opinion, Sir, on either side. I do not know that gentleman ; but I think it is absolutely unreasonable, very absurd, to believe that a man of that kind, whatever may be his capacity, could be instrumental in bringing about all these strikes and all these "disturbances" upon which my friend, the Honourable the Home Member, and my friend, Sir Victor Sassoon, rely so much. Sir, this is the only material which has been placed before this House in justification of this sweeping measure, giving power to the executive to summarily expel any person suspected of being a foreign Communist without any trial in any

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court of law. I submit this is absolutely insufficient material for us to accept as the basis for this legislation.

My friend, Sir Victor Sassoon, made a great deal of the maxim that prevention is better than cure. But does he not know that principle of jurisprudence that no penal law should be enacted unless there is actual necessity for it ?

Sir Victor Sassoon : But there is actual necessity for it.

Lala Lajpat Rai : I submit, no material has been placed before this House to justify the enactment of such a measure. There are laws enough in this country under which anybody committing the acts which have been detailed in clause 2 can be punished or deported. There is Regulation III of 1818—and it was said on the floor of this House that that Regulation applies to everybody in India. Anybody who comes into India makes himself liable to the criminal laws of this country, be he a Communist or otherwise. If he comes here and commits any of these acts which are detailed in clause 2, I submit the Indian Penal Code is wide enough to punish him : and therefore there is no reason why the Indian tax-payer should be burdened with the cost of his expulsion from this country. I could have understood one thing, which the Government could have easily done and in which perhaps we might have supported them. That would have been this, that, if a person was convicted by a court of law of any such offence, he should be ordered to go out of this country instead of being fed at the cost of the Indian tax-payer in India. If the Government wanted authority of that kind, they could have proposed a measure for making a provision of that kind either in the Indian Penal Code or in the Criminal Procedure Code or even in Regulation III of 1818, and it would have been a very simple thing to have accepted it ; but Government have not done anything of that kind. They have proceeded to state in elaborate detail all kinds of beliefs and acts in clause 2 and to ask for executive authority for expelling men suspected of entertaining such beliefs or doing such acts. Sir, I will break no bones by stating to this House that this is not a measure really intended against foreign Communists only. It is only the thin end of the wedge. It is really directed against Indians themselves, Nationalists as well as Labourists. The foreign Communist will go away, will be turned out at the cost of the Indian tax-payer and will be taken to the British Isles or anywhere else, being comfortably berthed in a P. & O. steamer, but if this House accepts the principle of this Bill and accepts clause 2, that acceptance caused at any time be utilised for the purpose of prosecuting Nationalists and others who want Indian economic advance and political freedom. That is really the motive at the back of this legislation, which, I would ask my Honourable friends to consider, is not a measure intended against foreign Communists only. It is only the thin end of the wedge what the Government are aiming at is to seek the approval of this House to prosecute and punish all those whom by hook or by crook they can bring within the purview of that clause or who may be charged with acts mentioned in that clause. Well, Sir, look at that clause, how wide and sweeping it is. It is all very well for Sir Victor Sassoon to say that this can be changed in Select Committee. We want to know if it is not the case that that clause gives a fair indication of the mind of the Government as to what they want to do. Of course my friends may change the clause in the Select

Committee, but we are at present discussing the form of the Bill as it is. Sir, let us look at clause 2. My friend, the Honourable the Home Member, made a distinction between Communist doctrines and Communist action. You will see in clause 2 that it is not Communist action that is proposed to be punished or dealt with. It is the advocacy directly or indirectly of the doctrine stated in that clause. The words are :

" whoever directly or indirectly advocates the overthrow by force or violence the government established by law in British India'."

That is an offence under the Indian Penal Code, and the Government is perfectly entitled to prosecute anybody, Indian or foreigner, for that offence in a court of justice and to take the verdict of that court, whether it be imprisonment or even death, but what is to prevent the Government from saying under cover of the phrase " directly or indirectly advocating the overthrow of the Government " that Mr. Srinivasa Iyengar and Mr. Jawaharlal Nehru, who advocate complete independence, come under the category, although they do not really mean the overthow of the British Government by force or violence. They may say, " We want a peaceful revolution ", but the Government will say that they are not to be believed, because the only way for them to get complete political independence is by force or violence. That may be considered fair argument to use in regard to them. So the Government want the approval of this House to the proposition that all those who directly or indirectly advocate the overthrow of the British Government by force or violence are guilty of Communism ; so that such a person, by being called a Communist although he may not be a Communist at all and may be only a political reformer or a socialist, may be brought under this clause. Then, Sir, let us go further. Under this clause to advocate " the abolition of all forms of law or organized government " is evidence of Communism. I do not know whether the Government of this country or the gentleman who drafted this Bill know that the Communists are not opposed to all forms of law or organized government, and that they have an organized government of their own, and that they only want all countries to adopt that form of government. Whether it is good or whether it is bad, it is an organized form of government, and it is such an organized form of government that even the mighty British Empire wants to come to terms with that Government. They once recognized the necessity or the desirability of coming to terms with that Government, by entering into a treaty of peace and trade with them. They have of course since dissolved that treaty by virtue of certain alleged breaches of that agreement or treaty which I need not state. Every civilized Government in the world to-day is anxious to enter a treaty or pact of trade with that organized Government of the Soviety Unions of Russia. Honourable Members may have recently read in the papers that the Soviet Government has recently signed the Kellogg Anti-War Pact. The civilized Governments of the world have not treated the Communists as if they were " mad dogs " and outcastes. There are other Governments which are in no way better than the Communist Government of Russia.

An Honourable Member : Question ?

Lala Lajpat Rai : Of course you will question, because you are interested in questioning it. But as a fact they are in no way better They are all desiring to push on their trade with Russia, to sell their manufactured articles, to get Soviet money, to enter into trade relation with that " damned " Russian Government which my friend thinks is s

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abominable. I may at once say that I am neither a Communist nor one having sympathy with the Communist doctrine. But at the same time I am not an Imperialist as well, and if the question arose of choosing between an Imperialist and a Communist Government, I do not know which I should choose, for both are equally bad and vicious and both are equally destructive of the rights of others. Capitalism is only another name for Imperialism. It is capitalistic Imperialism upon which my friends fatten here in India by exploiting the masses of this country. To me it seems absolutely blasphemous for them to talk of the poor cultivators, the poor labourers, the poor peasants of this country. Are they not sucking the blood of these peasants ? Have not their own authorities told them so in their documents ? Dr. Harold Mann has said that what the cultivator, the labourer and the peasant suffer from in India is an empty belly. Who is responsible for the empty belly ? Those very same people who carry away millions of money out of the country which they have earned from those same peasants and with the help of Indian labour. And they do so with the help of this Government which has been compelled by those very capitalists to introduce this Bill. As my friend Mr. Ranga Iyer said, they are the people interested in keeping these Communists out and with investing this Government with executive powers to treat these people summarily. I am quite prepared to admit that Communism and Imperialism stand at two opposite poles. I have absolutely no doubt that the success of Communism in this world will mean the destruction of all empires. I am, therefore, satisfied that this effort on the part of this Government and on the part of my capitalist friends is perfectly natural. They want to suppress Communism. But why should they say that they are doing it in the interests of this country ? Why import into this discussion matters which are not included in the Bill itself ?

My friend the Honourable the Home Member and also Sir Hari Singh Gour waxed eloquent upon the protection of religion. My friend, whom, by the by, I congratulate on having got a seat amongst the gods, said he was not in love with bureaucracy. But evidently the bureaucracy has fallen in love with him—let us hope that it will last—and that explains his present attitude. The other day he was taunting some Members of this House with dishonesty in opposing his Bill for dissolution of Hindu marriages for fear of the voters and electors. I think my friend has made himself safe for all time to come for a permanent seat in this House and therefore he is no longer afraid of any voters or electors. That is why he is so anxious to uphold the principle of this Bill. I congratulate him. But, Sir, coming to the point, he talked of religion. Sir Hari Singh Gour talking of religion ! That was quite a surprise to me, because only a few months ago I read a document signed by that gentleman in which he framed the constitution of a League for modernizing India which asked all Indians to adopt all western methods and do away with religion altogether. I know he will deny it, because he is accustomed to doing that.

Sir Hari Singh Gour : Can my friend produce that document ?

Lala Lajpat Rai : Yes, I will, just as I produced a telegram which he sent to me in favour of the boycott of the Simon Commission and the sending of which he denied when I quoted it from memory. He has got into that habit and we on this side of the House have ceased to take him seriously, both when he opposes or supports us. Therefore it is a surprise to me to hear Sir Hari Singh Gour pleading for this Bill in the name of religion. I do not know what his religion is. There is a religion known as Mammon worship ; there is a religion of God worship, which of course pious Hindus and Mussalmans follow. I do not believe that he follows any God worship. He follows Mammon worship. And then again, the British Government talking of the protection of religion in this country ! Why they have destroyed the very foundations of religion in this country by their very existence and by allowing forces to work in this country which are anti-religious. Religion has different meanings with different persons. Even Communists believe and allege that Bolshevism is a religion. If that is the meaning to be attached to religion, then perhaps my friend is perfectly religious and I am prepared to apologize for saying he has no religion. Religion has different forms—what form was meant when an appeal was made to the Hindus and Mussalmans of this House to rouse their passion on behalf of religion because the Communists attacked their religion. Well, Sir, if the Communists attack any religion, they attack the conventional Christian religion. They do not attack religion altogether, and as I have said, they do not attack every organized form of government.

Then, Sir, my Honourable friend the Home Member and my Honourable friend Sir Hari Singh Gour talked of Hindu culture and the structure of society. But, Sir, if there is any Hindu in this House who is putting the axe at the structure of Hindu society it is Sir Hari Singh Gour. I welcome his efforts to reform the Hindu religion and Hindu customs, but he should not talk of the structure of Hindu society. The structure of Hindu society which at present exists he wants to do away with. He wants all Hindus to adopt the European hat. He wants all Hindus to eat with fork and knife and to adopt European manners. And then he talks of the structure of Hindu society. It is very strange to me. I cannot understand it. But of course an advocate can use any argument that comes to him at the time of arguing a case.

Then, Sir, my Honourable friend the Home Member talked of restoration and reconstruction after the war. What is he going to restore in India ? Is he going to restore to us our pre-war poverty which has increased ten-fold since ? What is he going to reconstruct in India by means of this Bill ? Is he going to reconstruct Hindu society or Hindu religion ? I submit, the claim is absolutely preposterous and those claims do not find any mention in the Bill. I would have understood the honesty of the Government if they had simply said that this Bill is designed to kill Communism. In that case they should have defined what Communism means. They have not adopted that course for very good reasons, because if they had adopted that course they would have been forced to confine themselves to those particular things which are included in the term " Communism ". This clause 2 is much more sweeping and much wider than what is meant by the expression " Communism ". They would not have been able to condemn those who oppose organized government because the Communists are not anarchists. My friend Sir Hari Singh Gour also talked of that. He has evidently never read a book written by Bertrand Russell about the three forms of freedom, Syndicalism, Anarchism and Communism. It is Anarchism which attacks all forms of organized Government, not Communism. It would be more

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profitable if my friends would first make themselves masters of that subject before making general statements on the floor of this House to the amazement of those of us who know something of the subject. This is not an honest measure. If it really aimed at expelling Bolsheviks and Communists only, it should have said so in the Bill itself. The Bolsheviks are not Anarchists. It has become the fashion for responsible people to make all kinds of wild statements against the Soviet Government of Russia. But Governments themselves do not want to take that line of attitude. Otherwise it will be impossible for them to enter into any agreement with the Soviet Government. Honourable Members here can talk in any way they like. The Communists can call Imperialists mad just as my friend Sir Victor Sassoon has compared the Communists with mad dogs, they can charge the Imperialists with injecting poison into the system of the body politic. But no responsible Government, either the British or any other, would talk of that Government in that way, because they still hope to enter into trade contracts and trade agreements and trade treaties with them and make money out of them. Sir, this money business reminds me of the remark made by my friend Sir Hari Singh Gour of the money that was received from Moscow by my friend Mr. Joshi. Well, Sir, he forgets that Great Britain gets money from Moscow, wants to get money from Moscow, and the only trouble is that Moscow will not give them enough money. There are men in the House of Commons sitting in the seats of the mighty that have received money from Moscow and they have not been turned out either from the House of Commons or from their country. Some of them will probably be adorning the Cabinet in the next Labour Government. I think my friend would be only too happy to get money from Moscow if he could. If a Bolshevik agent in this country were placed before a court of law for trial, my friend Sir Hari Singh Gour would be the first man to ask for Rs. 2,000 a day for defending him and getting him acquitted. What has this absurd talk about money from Moscow to do with this Bill ? I may also remind him that his statement about strikes and " disturbances " is also entirely wide of the mark. It is his deplorable ignorance of the history of the world and of the history of the development of trade unions and trade unionism, of the Labour movement in the world, that is responsible for his saying that this particular phase which has been prominent in this year in this country marks the activities of the Communists or the Bolsheviks or is evidence of their activities in this country. In all times in the world, whenever there is any reform movement, whenever there is a preparation for framing a constitution, in pre-constitution days there have been such disturbances. What was the state of England in the days when the Reform Bill was on the anvil ? What were the conditions in other countries in the days when their constitutions were being changed or when trade unionism was being developed ? The history of trade unionism if cursorily studied even (that history has been written by Mr. Sydney Webb, who was a Member of the Labour Government) would have shown him that what is happening in India is nothing, absolutely nothing, as compared with what had happened in Great Britain or in other countries in Europe ; and that it is no indication that it is due to foreign influence or the influence of foreign Communists or foreign agents. The conclusion is entirely wrong. It is due, Sir, to the empty belly,—hunger. My friend

may not feel that it is due to hunger ; the Government Benches may not feel that it is due to hunger ; but we, who know those people, who work amongst them, live amongst them, we know that it is that abominable thing, hunger, which is at the bottom of this unrest and which creates these strikes. I have never made it a secret and have said so in this House and from the platform and in the Press, that indiscriminate strikes, strikes not well grounded, should not be undertaken. I am not in favour of strikes ; I am not in favour of strikes being started on small pretexts. My friend Mr. Joshi who knows much about these strikes can testify that I have spoken in Bombay, which is the home of organised labour, that they should not indulge in these strikes too often and too lightly. Hunger however makes that advice unacceptable. It is hunger which compels them to resort to these strikes. The textile strikes which my Honourable friend Sir Victor Sassoon referred to are at the bottom of this Bill ; it is to prevent these strikes, to isolate India altogether both in the political field and in the economic field, from the rest of the world, to make it entirely helpless that accounts for the introduction of this Bill. That is what this Bill is intended for. Is it to frighten away people who want to investigate into labour conditions in this country, who want to investigate into political conditions in this country, from visiting this country ; it is to keep them away, so that they may keep away lest this law should be used against them and they may be turned out with ignominy.

Sir, this Bill, therefore, is not an honest measure ; it is a dishonest measure on the part of the Government ; it is an indirect attempt to get the verdict of this House to principles to which they would not agree if they were plainly and honestly put before them. Look at the wording of this Bill " conducive to bring about that result ", " is a member of any society or organisation " and so on. Look at the whole wording of the Bill. That will show that it is an attempt to get the verdict of this House, that all that is contained in clause 2 practically amounts to Communism or Bolshevism. The causes which my Honourable friend the Home Member stated was the basis of this Bill are not stated in clause 2. Very few of them are stated there. This clause goes much further. It practically wants the approval of this House to all that is contained therein whether Communistic or not, so that if we once approve the principle of this Bill, of this clause, as it stands, and if the Government wants to prosecute and punish our own countrymen who want political independence or economic independence, or who advocate political independence or economic independence, they may say to this House, " You have accepted the principle of this Bill, you have accepted the principle embodied in clause 2. How can you object to prosecution and punishment of your people on th esame basis and on the same grounds? " Once the principles of this Bill are accepted, none of us here is safe, because in the opinion of the Benches opposite every one of us is a Bolshevik. Anybody who is not in favour of the present British Government of India, anybody who is not in favour of the present system of Government is a Bolshevik. I see Anglo-Indian papers ; I read them very often ; they call us Communists, Bolsheviks. In private talk too, people say " He is a Bolshevik ". Practically what the Government wants is moral sanction for anything they might do hereafter in order to involve the Members of this House and those who are not inside this House but who advocates a better system of Government for

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their country in trouble. It is in order to prosecute and punish them that we are asked to pass this measure. I do not care if anybody is punished and prosecuted after fair trial, after a trial before a court of justice. But, Sir, I am very suspicious, extremely suspicious of the intentions of an executive Government when they want to be invested with judicial powers. It is a most dangerous thing. I would beg of the Members of this House not to invest the executive Government with Judicial power in the way this Bill proposes to do. It gives power to the Government to judicially determine whether any person is guilty of acts stated in clause 2, and after judicial determination, in camera and in Executive Council they can expel anybody. This is a most dangerous power which any Legislature could give to an executive Government ; I also beg of the Members of this House not to think that they can improve this Bill in the Select Committee. The evil lies in the root of the Bill. The Bill practically is for the summary expulsion of people from this country and the Bill has to be radically changed. It will be impossible to change it in the Select Committee. Moreover, I submit, Sir, that this Bill is not necessary. They have got all the powers they need and even more. Why should they multiply their powers from time to time ? There is enough law already in their hands by which they can effect the purposes mentioned in this Bill. Sir, I want to appeal to the Members of this House to remember that this Government, perhaps any executive Government, but particularly this Government as it is constituted to-day, is not fit to be invested with these powers. Don't I know how these powers have been exercised from time to time in the interests of " law and order "? Don't I know that the Government have confined people without trial simply for administrative convenience ? Was not that stated in the Bengal Legislative Council by a responsible Member of the Bengal Government ? And don't I know, by personal experience, my own personal experience, that the exercise of such judicial powers by the executive Government is absolutely arbitrary, unwarranted, unjust and unfair ? In the end they always say " Oh, we made a mistake ". They made the mistake, but the poor man had to suffer all the time ; his children had to suffer. They can make mistakes of this kind without qualm of conscience. I therefore beg to submit before this House, Sir, that first of all on general principle no executive Government is fit to be entrusted with this kind of power, but more particularly this Government is in no case fit for such a power. I do not want, Sir, to say anything unpleasant. This Government which has sanctioned, which has advocated, recommended, the constitution of a Commission composed entirely of Britishers, is not fit to be entrusted with any executive power of the kind specified in the Bill. I want to say from the floor of this House that this Government, although it contains three Indian gentlemen for whom I have some admiration, does not inspire any confidence in the country ; therefore it is the last Government which ought to be invested with powers of this kind. Their whole outlook is Imperialistic, narrow, depressive and suppressive. Their outlook is not at all wide, judicial, or patriotic. Sir, all this talk about the Communist danger and the Bolshevist danger is entirely out of the question. Is there any chance of the people of this country listening to those men who talk in Russian or English ? Can they understand them ? The danger may be this, that the men educated among the Indian communities may become Communists. Go for these Indian Communists, punish them for their Communism and their Communistic views if you will say frankly that your real object is to get at the Indian Communists. Why do you proceed in this understanding—telling us that you want to proceed against foreigners only ? You are practically bolstering up the law against Indians. It is a pretence, a disguise, to say that this Bill is not intended against us, that it is intended against Britishers, against foreigners. Why should we be saddled with the cost of sending to his home a Britisher or a foreigner ? I happened to be once in Japan when the Japanese Government wanted to turn out two Indian revolutionaries. They did not give them passports or passages. They simply said, " Leave this country within such and such a date." Let the Government get a conviction before a court of law and then take power by amending the Indian Penal Code so as to turn the men out of the country. It is no use giving them passages or protecting their property. If a court of law convicts the man of any of these offences, it is no business of ours to give him a comfortable cabin and provide him with a passage to his own home.

Sir, I object to the whole principle of this Bill. It is an absolutely vicious Bill, it is a Bill that has not been drawn up with any care for public opinion, with any care for fairness or for decency. I therefore wish to warn Members of this House not to be carried away by all this sentimental talk of danger. We are in no danger from Bolshevism or Communism. The greatest danger we are in, is from capitalists and exploiters. Don't we all know that money comes from Lancashire, from British trade unions, to help the strikes so that Indian mills may not operate ? It is not Moscow money alone that helps to foster strikes. Why blame the Bolshevists only ? They may be one of the forces that contribute towards strikes in this country, but there are others also. I therefore wish to submit that nobody should be carried away by this sophistry. He will be giving a dangerous weapon in the hands of Government to strangle all of us, to strangle our political aspirations if he accepts the principle of this Bill. This Bill is going to be applied to you now and hereafter by judicial and executive orders. Do not, therefore, be carried away by the idea that this Bill is intended for foreigners only. We wish all foreigners to leave this country and leave us free. We will always welcome them as friends, but not when they come here as exploiters. We are prepared to give them any amount of money they want if they will leave us free to fight out our own battles. You talk of protecting Indian labourers. We don't want any of your protection. All we want is freedom to develop ourselves on our own lines, even to fight among ourselves if necessary. Give us that freedom and go away. We don't care for your protection. You have not come here to give us protection. You have come to make money, money, money. You have come to fill your pockets with our hard-earned money. All hard-earned money goes into the pockets of foreign capitalists and foreign exploiters. We understand all these tactics, we understand all these disguises and devices. You might carry the Bill by a majority, but I beg of the Indian Members of this House not to support the principle of this Bill and not even to accept the motion for Select Committee, because it is impossible to convert this Bill into any useful measure in the Select Committee, unless the Bill is entirely changed.

I therefore, Sir, oppose the motion.

Sir Denys Bray (Foreign Secretary): Sir, the last time I confronted my Honourable friend, Lala Lajpat Rai, in debate I charged him with confronting me with a conspiracy of silence. How fortunate was I then, did I but know it! To-day he has confronted me with a barrage of words. At first as I listened to him, I found in my heart feelings of dismay. But as he advanced his forces against me, I took courage, for I found that the barrage of words was but a smoke screen (*An Honourable Member* : "You have taught us that.")—a smoke screen behind which he could conceal his barrenness of argument. Some of the assertions he made filled me, not with dismay, but with a certain sense of indignation—those words of his addressed to my Honourable friend, Sir Hari Singh Gour, on the score of his personal religion; those words addressed to you, Sir, that charge he made against the British Government and against Englishmen, on the score of tampering with the religion of this country. Heaven knows, our record in this country may be open to criticism. But on *that* score, Sir, I have never heard criticism before. (Loud Cheers from the Non-Opposition Benches.)

1 P.M.

He treated that well-reasoned speech of Sir Victor Sassoon with contempt; brushed aside Sir Victor Sassoon's well-authenticated statements; brushed aside the reference to the Acts in Australia and South Africa. And as for the law in the United States, he presented you with a travesty. By introducing the words "defended by lawyers" he sought to make the House believe that in the United States the deportation order goes before the courts!

Lala Lajpat Rai: I still maintain that this is so.

Sir Denys Bray: As a matter of fact he himself provided me with a reminder of the actual fact:—"defended by lawyers" before that *very judicial* body, the immigration authorities!

And finally—for this seemed to be the burden of his argument, Sir—the great argument against the Bill is money, money, the vast sums of money that will be expended from the resources of the Indian tax-payer on providing a few third class passages out of India! (Laughter.)

But it was dust he threw into the eyes of the House when he spoke about this Bill being directed not against the foreigners at all but against Indians. It cannot be said too often that this Bill does not touch the Indian British subject or, the subject of an Indian State. And as for the foreigner, it touches him not unless he comes into the country and tries to inculcate doctrines which in their ultimate aim seek to undermine India's ancient social system. (Hear, hear.) Let not my Honourable friend deceive himself. Or if he deceives himself, let him not deceive the House. Whatever soft words agents of the Third International may find it wise to whisper into the Indian ears for the moment, the Third International has preached its creed from the housetops too often for us to forget it. It is their boast that Communism has no need to conceal either doctrine or design. It is their boast that in destruction lies the only path to their goal. The violent crash of the whole existing social structure is their open war-cry. Apply that war-cry to India, Sir, and think what it means. Is India to sit, hands folded, while Communists from outside besmirch what Islam reveres and seek to bring down the whole structure of Islam? Is India to sit, hands folded, while those great contributions which Hinduism—— But here my

eye lights on my Honourable friend Mr. Ranga Iyer and I feel abashed. For in that after-dinner speech of his the other day, while there was much with which I disagreed, and much which as usual I thoroughly enjoyed, there was one passage which gave me a thrill and a glow. And that was that passage of fine patriotism, of grand racial pride in which he spoke of the indestructibility of Hinduism, and how Hinduism had remained firm, untouched, while invasion after invasion passed over India. As I listened, I felt that it ill became an Englishman like myself, belonging to a race whose civilisation, however fine, does not boast of such immemorial ancestry, it ill became an Englishman like myself to bring Hinduism lightly to my lips. And yet—is *Hinduism* to look on, hands folded, while *India* is subjected to an invasion of poisonous ideas infinitely more perilous than any invasion of force? (Hear, hear and Applause.) Or am I wrong? Is there something after all in Communism that can stir Islam or Hinduism to a new and a fuller life? India has problems of her own: Hindu and Muslim, landlord and tenant, capital and labour, town and country, problems, plenty and to spare, difficult enough of solution without intrusion from outside, without the foreign intrusion of a poison more virulent than any poison the world has yet known in history. For myself, I look upon these industrial and agrarian disputes of ours, save when I am in the trough of depression I look upon our communal struggles, as painful indeed and ugly, all too often dangerous, yet seemingly inevitable at the present stage and symptomatic of evolution and change. They are to me the growing pains of a young nation. The adolescence of a new nationhood is upon India. India, modern India, young India is awakening to a new life, and growing pains must need be hers, growing pains, painful of course, yet in their final outcome—who dare doubt it?—benignant. But what of this intrusion of foreign matter into the body politic? It bespeaks not the growing pains of health and growth and life, it bespeaks the devouring pains of the cancerous growth of dissolution. To me, Sir, this is no idle metaphor. How indeed could it be? If I am right in thinking—most Honourable Members in this House will not need to think, they will know—if I am right in thinking that Islam and Communism, Hinduism and Communism, are as poles asunder, then this intrusion in our body politic is cancer indeed. A wise man at the first warning signs of cancer hies him to the surgeon that the knife may remove the cancer before it is too late.

Lala Lajpat Rai: Why is not religion mentioned in this Bill?

Mian Mohammad Shah Nawaz (West Central Punjab: Muhammadan): Hatred between classes is mentioned.

Lala Lajpat Rai: That is religion perhaps.

Sir Denys Bray: The unwise man waits, as my Honourable friend Lala Lajpat Rai would have us wait, too long. What! Should the State, with millions of people in its keeping, wait too long? I have heard the suggestion (I am not quite sure whether it came from my Honourable friend Mr. Ranga Iyer) that the State should indeed shrink lest it offend some foreign Government. What Government, I wonder? What nation? I can think of one only, a nation which, as Sir Victor Sassoon reminded us, make short work of people who think differently from themselves and give utterance to their thoughts. My Honourable friend Mr. Ranga Iyer, I now remember, said that this Bill was designed to thwart—have I got it wrong?—some federation of Asiatic nations. What nations is he thinking of? Is it Japan? Again I can think of one semi-Asiatic

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nation only that revels in this sort of doctrine. Is he thinking of China ? My friend Sir Victor Sassoon again provided the answer. And I myself am minded of the patriotic words of Mr. C. C. Woo when they made a clean sweep of Soviets, citizens, agents and all, from Hankow and evoked an angry protest from Mr. Chicherin. " The primeval instinct of self-preservation ", Mr. Woo is reported to have said, " demands that the nation should be thoroughly purged of all foreign cells of hostile activity. And whosoever in the wide world this our action of national self-preservation may please or haply displease, China cares neither tittle nor jot ". Wise words, Sir, and brave. Let India say the same !

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. Arthur Moore (Bengal : European) : Sir, we live in a world of paradox. But I do not think that even in the most freakish moments of imagination we have ever seen so pleasing a paradox as the other day when my friend Mr. Ranga Iyer was found urging the Honourable the Home Member to make use of Regulation III, while the Home Member was protesting that he wished to proceed by way of the ordinary law. Regulation III, as we all know, is a drastic regulation. Now we are trying to deal with three possible classes of people : inhabitants of the country, British subjects from the home country or the Dominions, and aliens or foreigners. I understand the Government has under the existing Act very full powers for dealing with aliens. It can of course deal by the ordinary law or if necessary at times by emergency regulations with inhabitants of this country ; but it does find itself in a difficulty as regards dealing with British subjects who come here from England or from the Dominions. I understand they might possibly be dealt with also under Regulation III, and that is what my friend Mr. Ranga Iyer wished to do. I am sorry to find Mr. Ranga Iyer so vindictive about these young men. He wishes to see them rotting in jail. I should have thought that the proposal of Government merely to deport them to the place whence they came would be very much more humane than Mr. Ranga Iyer's proposal to deal with them under Regulation III.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : On a point of correction. I did not say that they should be dealt with under Regulation III, but under the ordinary law of the land.

Mr. Arthur Moore : I accept the correction, but I was under the impression that Mr. Ranga Iyer expressly mentioned to the Home Member in his speech Regulation III as being useful. Mr. Ranga Iyer went further and said, as Sir Victor Sassoon pointed out this morning, that in no other country would legislation of this kind be tolerated. And Lala Lajpat Rai this morning challenged Sir Victor Sassoon's version of the United States law. Now, Sir, I do not claim to be an expert on this immigration law of the United States. But as far as I understand it, Sir Victor Sassoon was right and my Honourable friend over there is wrong.

If he will permit me I will just repeat the relevant section. It runs as follows :

" No person who disbelieves in or who is opposed to all organised government or who is a member of or affiliated with any organisation entertaining and teaching such principles..... or opposition to organised government or who advocates or teaches the duty or the necessity or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally of the Government of the United States, or of any other organised government shall be permitted to enter, etc....."

Then it says :

" This section shall be enforced by the Secretary of Commerce and Labour under such rules and regulations as he shall prescribe."

Nothing there about judicial trial—simply rules and regulations. Then we come to deportation.

" In case the Secretary of Commerce and Labour shall be satisfied that an alien has been found in the United States in violation of this Act or that an alien is subject to deportation under the provisions of this Act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came."

Now, Sir, I contend that this is fairly comprehensive. It is quite true that in the present Bill there is no provision for a limit of either three or five years or for any other period ; but that is not a matter of principle. That is a matter of detail which can be dealt with in the Select Committee. I submit that the procedure is in all essentials the same.....

Lala Lajpat Rai : Not at all.

Mr. Arthur Moore : I have yet to discover the difference.

Lala Lajpat Rai : The difference is this : the man is called upon to show cause and then the Secretary of Commerce and Labour passes orders, and then it is open to him to contest that order in the States Court.

Mr. Arthur Moore : There is nothing here about showing cause ; it is entirely left in the hands of the Secretary of Commerce and Labour. He has got to be satisfied, and I take it that in the case with which we are dealing the Government of the day will also have to be satisfied. Now, Sir, the Opposition seems to suggest that the Government is setting a whale to catch a sprat. I should like to point out that behind any particular sprat for whom the whale may be set there is a world-wide conspiracy at work. I refer to the Bolsheviks. I have been in Russia since the war under Soviet rule, and moreover in Teheran and Kabul I have seen many of their agents, and have had the benefit of conversations with the Russian Ministers in Kabul and in Teheran. I am also familiar with the reports of the Third Internationale and with the proceedings of the Oriental Congress at Baku in 1920. Like Sir Victor Sassoon I am not an alarmist by nature. When people tell me that Russia is a great military danger, when they tell me that we are liable to a sudden attack upon the frontier I am not always very much impressed. I do not believe that Russia, whatever may come,—and in the end war may come—wants war. What does Soviet Russia want ? I do not think any man who makes a study of the situation can have any doubt as to what she wants. She wants civil war. She wants world wide civil war. Her propaganda stretches right through the world, from Moscow to the Thames and the Clyde, to the United States, the South America, to Mexico, and to all the

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countries of Europe. We know how actively her agents are at work. How are we to deal with this menace ? We have been told that India is not good soil for this propaganda. I agree, and I do not think that India is seriously going to go in for a campaign of violence. But this I do know, that there are some forces at work in India which do not want industrial peace. I would call your attention to the steel industry. That is, if I may say so, the cherished darling of this House. The House has lavished great sums upon it. They have determined and rightly determined to have a great steel industry in this country. Now, we know that the firm which constitutes the steel industry are good employers. A certain gentleman in a rash moment said hard things about them, but since then he has made a handsome apology. I do not think any Member of this House will suggest—I am quite sure Mr. Joshi will agree with me—that they are not good employers. I do not know, nor does any Member of this House know, what this fight in the steel industry is about. The grievances are still to seek. All we know is that the steel industry on which the House has lavished so much pains and attention is closed down. We know that only a short time ago it achieved a very great triumph. It obtained a contract for steel to be used in the building of a great bridge near Calcutta, the Bally Bridge. That was a tremendous triumph for this industry in India. No such contract had been obtained for Indian steel before, as far as I know. To-day that industry is closed down, temporarily we all hope and believe. But the fact is that it is closed down and is unable to fulfil its orders. It is being prevented from carrying out that order of which we all heard with pride. My friend Mr. Gavin-Jones can tell us a great deal as to what is happening in Cawnpore and in the United Provinces. Now I draw a clear distinction between this kind of violent movement among the workers, which takes no real interest in securing benefits for the workmen, and legitimate trade unionism. Trade unionism is now recognised in England and the other countries of Europe as a legitimate weapon to protect the interests of the workmen and to raise their standard of living, and that has always included the right to strike. But we are now dealing with people whose real object is not to give support in these legitimate battles and secure victories for the men, but to foster a spirit of violence. Mr. Amar Nath Dutt said the other day that he had been up and down India and that he had never met a Communist. Well, Sir, the Communists are not quite as simple as all that. They do not waste time in trying to instil their ideas into the bland and childlike mind of Mr. Amar Nath Dutt. To them my Honourable friend is one of the abominable and abominated bourgeosie, and in due time a knife or a bullet will be good enough for him. The Communists are working amongst the hungry, as my friend Lala Lajpat Rai pointed out ; and that is dangerous ground to be worked by foreigners in this country who are advocating violence. We must remember that we are dealing with a world problem which is menacing every stable government the world over. This is a living age, the problem is ours and it is we who have to find solutions. It cannot be dealt with by the Barons of Runneymeade or the sections of Magna Charta. My Honourable friend Pandit Motilal Nehru has raised two very interesting points of order this week, and he has thereby attained his object which was to secure a full debate on the Bill. I congratulate him on that. We have now, thanks to him, got a full debate on this very important subject. Having attained that admirable object, I appeal to him not to use the weight of numbers to kill the Bill at this early stage.

We are not asked to ruin any man's character. Those against whom it is proposed to proceed under this Bill will be those who openly profess and teach violence. If these men are expelled they will not consider it a disgrace but a testimonial. They are not being sent to gaol. They are merely asked to go. Is not that a simple and efficacious way of dealing with the matter ? Supposing we ignore the reality and we deal with this subject entirely by points of order, discussions on rules, and so on, what shall we have achieved at the end of all ? We can prove that this is a subordinate Parliament, as if that needed proving. Is it not far better to prove that this is not going to be a subordinate Parliament, if we can help it ? Is it not for us to show that we are competent to deal with these problems ? I can conceive circumstances in which not merely the present government but future governments will be very glad to have such a simple Statute on the book, enabling them to deport people back to the place whence they came. What are we asked to do ? We are sending no one to prison. We are not, as I say, impugning anybody's character, but are giving them in their own eyes a testimonial as faithful servants of their Moscow headquarters ?

An Honourable Member : Without hearing them ?

Mr. Arthur Moore : Have we not heard them ? Is it likely that people will be deported who are not professing the tenets of that particular gospel, the gospel of civil war in every country ? It is not merely in this country that such steps are sought to be taken ; they are being taken throughout the world. Society has to organize itself in self-defence. We find people who hold the extraordinary creed, that you can remodel society by violence, who fail to see that human society is the total of all our mental attitudes, and that by professing violence you can never procure peace. These people believe that by violent overthrow and destruction, they can somehow bring in the Kingdom of Heaven upon earth. Surely if you can deal with such people without violence, by sending them away to the place whence they came, is not that much better ? I trust Members of this House will at least agree that it is a fair course to send the Bill to a Select Committee. I cannot believe that Honourable Members who talk of Regulation III realize the full implication of what they suggest. I would earnestly appeal to them to take the sensible course of sending the Bill to the Select Committee, where it can have full consideration and then it can come back to this House.

Mr. S. Srinivasa Iyengar (Tanjore *cum* Trichinopoly : Non-Muhammadan Rural) : Mr. President, I beg to oppose this Bill and all its provisions wholly and without any reservation, mental, moral or verbal. I think, Sir, that this Bill has been brought before us in a particular fashion so as to enlist in its favour all possible prejudices and to throw around the subject as much darkness as it was possible for the other side to do. It was a touching solicitude which was shown in the literary speech of my Honourable friend, Sir Denys Bray, and in the speech of the Honourable the Home Member for the Hindu religion, for Hindu culture, for the Mussalman religion and for Mussalman culture !! And it was suggested that if this Bill were not passed, the foundations of Hinduism and Islam, of my humble self, of which we are so justly proud, will be destroyed. Landlords' sympathy, big landlords' sympathy was sought to be enlisted by dangling before them the idea that they will all be expropriated if this

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Bill is not passed, in that artful, in that restrained way of which my friends on the opposite side are such past masters. Then it was suggested that capitalism and private property in the country will be a thing of the past and will cease to exist unless this Bill is passed. And incidentally, the recent strikes and troubles in Bombay and elsewhere were made as much use of as possible. But I cannot congratulate the Honourable the Home Member on the presentation of his case. He must himself have felt that he had no case at all to put forward before this House. I think, Sir, it is really trifling with us, men who have been trained to weigh evidence, who know something of law, who know something of human nature, who know something of what is going on in this country, to tell us that these scraps of proved or unproved things which were flourished before us furnish conclusive or even ordinary proof that there is a Red menace in India which is destructive not only of the British Government here but subversive of all Law and authority, of civilization itself, and which really threatens to throw overboard Hinduism and Muhammadanism into the two seas on either side of India. I think the Honourable the Home Member must have strained his sense of humour very considerably (Laughter) : and he would be the first person I am sure who would laugh at us if any Member of the House took him seriously. His arguments on that head could not have been presented to a second-class magistrate with any chance of a conviction on the evidence (Laughter),—and he knew that perfectly well. Of course, dealing with a popular Assembly, dealing with various interests and prejudices, he thinks he can dress up a case like this—and in window-dressing I admit I am no match for any of my friends on the opposite side—and he thinks he can persuade many Members from different points of view to support this. And above all, Sir, this was the great bait that was thrown at us—Indian British subjects are excluded, and the subjects of Indian States are excluded. What is the idea ? The Indian people are so selfish, so sectarian, they have no culture, they have a narrow outlook, and the other side only are the trustees of the whole civilization, but the Indian people are so selfish that they only look to themselves ! They will pass any Bill against foreigners and Europeans that is put before them by the Government. I submit, Sir, it is really doing a gross injustice to us to imagine that we are here not to do justice to every nation in the world, that we are not to do justice to every country on the face of the earth. Sir, we are and we shall be national, Communism or no Communism, bureaucracy or no bureaucracy. We shall be national ; but it is quite obvious that nationality of the Indian type, for I make no distinction whatever between Islam and Hinduism in that respect, is one which is so scrupulously and sensitively just to the interests of others that you will have to ransack all the four corners of the earth to find a nationality which is as just to others as ours. Therefore, Sir, I submit that it is not dealing with us fairly to present these documents. I do not go into this question whether M. N. Roy's letter was authentic or not. In all probability it was intercepted, and in all probability, they have no proof about it, and that is the reason why only one or two extracts were read out and I do not suppose the Home Member really asks us to lay any emphasis upon the conspiracy case. What he really relies on is I think the academic side of the Communist doctrine. That I think is his real basis, the real evidence upon which he wants this Bill to be passed. But it will not do for the House to be told that there is Communism in the country. We must know also who are the Communists in this country and who are the British Communists.

No names were given to us till my friend, the Honourable Mr. Ranga Iyer, let the cat out of the bag and told us that it was in response to a resolution of some European Chamber of Commerce in Calcutta, and there was no denial from that most interested quarter, that it was a resolution of that Chamber that wanted Mr. Spratt to be dealt with and that it was in consequence of this that this Bill was brought forward. Sir, I have heard no denial on that head till now. But anyhow we must know who are the professed Communists against whom this legislation is directed. And who are the other Communists ? The Indian Com-

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munists are said to be quite safe. The Bill does not propose to deal with them. We must know who the others are and what are the credentials of these persons, whose names have not been disclosed, to be regarded as members of the Communist Party. And what are the proofs by which Government proposes to show to us that these men have been really doing Communist propaganda ? Simply because there are strikes in Bombay or in South India, are we to presume that either Mr. Spratt or somebody else, some unknown British Communist was sent as a trained Communist leader—if I remember rightly the phrase in that speech of Sir Victor Sassoon which naturally did not surprise me—to India for the purpose of stirring up trouble ? What is the evidence that he was a trained Communist leader and what is the evidence that he stirred up all this trouble ? If the Government wanted to show that, they could have brought some proceedings against him under the ordinary processes of law. So far as Mr. Spratt was concerned, I understand that he was once acquitted and I do not know whether any proceeding under the ordinary law would share a better fate. It is obvious then that the evidence upon which we are asked to proceed with this Bill is really frivolous and of no value whatever from any point of view.

Then the question arises whether this Bill is really a necessary Bill, is properly conceived and whether the principle for which it stands is sound and free from danger to the community at large. I submit, Sir, I oppose it on very many grounds. In the first place I consider that this Bill is a highly repressive and despotic measure and as such ought to be opposed by everybody in this House independently of any other consideration. In the second place I consider this Bill proceeds upon racial discrimination—I would say double racial distinction in favour of themselves as I shall show presently. In the third place it is wholly unnecessary ; and in the fourth place it is misconceived. I think these objections can be easily made good. I shall first deal with the argument that it is wholly unnecessary. Now, clauses (*a*) and (*b*) of section 2 of this Bill deal with the direct and indirect advocacy of the overthrow

"by force or violence of the government established by law in British India, or the abolition of all forms of law or organized government, whether in British India or elsewhere, or the assassination of public officials, or the promotion of enmity or hatred between different classes of His Majesty's subjects, or the destruction of property or unlawful interference with the ownership of property ; or (*b*) seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting the authority of law or organised government in British India or with any object the attainment of which, etc."

Now, most of these acts for which sanction of legislative authority to deal with them as offences is asked are all covered by the existing law as offences, and no attempt was made to show that a person could not be proceeded with under the existing law. Sections 124A, 153A, I. P. C., the mischief and murder and abetment sections of the code and other cognate enactments apply to almost all the acts aimed at by this Bill. The assassination of public

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officials would be I suppose murder and there is very little difficulty about it, and in fact the guilty person would get an aggravated punishment under that charge. I submit therefore that no necessity has been made out for this, except by invoking the method which it proposes to adopt, the substitution of a Governor's certificate instead of an ordinary trial in a court of law, for offences punishable under the Indian Penal Code or other enactments.

Now, so far as the immigration laws, to which reference was made, are concerned, I am really unable to follow that subject, for this Bill does not purport to provide for any difficulties connected with immigration, and when Sir Victor Sassoon referred to the immigration laws as supporting this Bill I do not know what he meant. I submit that immigration laws have nothing to do with it. If you want anything like that you have it in abundance. You will find from the wording of this Bill that it strikes not only at the European British subjects but it strikes at all Europeans and Americans, even though they are not British subjects. And it strikes at all non-Indian Asiatic subjects, whether they are British subjects or not. For instance, Malayan or Chinese British subjects, Arab or Somali British subjects or African British subjects, will come within the purview of this Bill, and all Asiatics and Africans who are not British subjects will come within the purview of this Bill. It is quite obvious that the object is not really to deal with any question of immigration, for that is amply provided for by Act III of 1864. In the case of foreigners section 3 of that Act provides :

"The Governor General of India in Council may, by writing, order any foreigner to remove himself from British India, or to remove himself therefrom by a particular route to be specified in the order ; and any Local Government may, by writing, make the like order with reference to any foreigner within the jurisdiction of such Government."

And section 5 of that Act proceeds to say :

"Whenever the Governor General of India in Council shall consider it necessary to take further precautions in respect of foreigners residing or travelling in British India or any part thereof, it shall be lawful for the Governor General of India in Council, by a notification published in the *Gazette of India*, to order that the provisions of this and the subsequent sections of this Act shall be in force in British India, or in such part thereof as shall be specified in such notification, for such period as shall be therein declared ; and thereupon, and for such period, the whole of this Act, including the subsequent sections, shall have full force and effect in British India or such part thereof as shall have been so specified. The Governor General of India in Council may, from time to time, by a notification published as aforesaid, cancel or alter any former notification which may still be in force, or may extend the period declared therein :

Provided that none of the provisions of this or the subsequent sections of this Act shall extend to any foreign minister duly accredited by his Government ; to any consul or vice-consul ; to any person under the age of fourteen years ; or to any person in the service of Her Majesty."

And section 6 says :

"Every foreigner on arriving in any part of British India in which all the provisions of this Act are for the time being in force under an order issued as provided in the last preceding section, from any port or place not within British India, or from any port or place within British India where all the provisions of this Act are not in force, shall, if he arrive at a presidency-town, forthwith report himself to the Commissioner of Police of such town, or, if he arrive at any other place, then he shall forthwith report himself to the Magistrate of the district, or to such other officer as shall be appointed to receive such reports, by the Governor General of India in Council or by the Local Government of such place."

And then the movements of foreigners are fully controlled by licenses, by all sorts of provisions. It is therefore idle to suggest, by merely bringing in "other foreigners", that this Bill has anything to do with the control of foreigners. That is amply provided for. The real object is—in order to save their own racial pride they have put in other people—to remove from India European British subjects of the Communist or Socialist or Labour variety who are not *personae gratae* with the Government or with the capitalist Chambers of Commerce. Otherwise I cannot understand why a reference is made to other foreigners for whom a very sufficient and elaborate provision is made in Act III of 1864.

Then, coming to European British subjects, I submit, Sir, that they are covered by the existing Regulations, which, notwithstanding all our efforts, still remain as a blot upon the Statute-book. I do not say much about the blot ; the Statute-book contains so many blots that a blot more or less does not matter, and that Regulation, I contend, is quite sufficient and was originally intended undoubtedly for the purpose of dealing with European British subjects or other foreigners, who, for reasons of State, are obnoxious to the Government. And in order that there may be no difficulty whatever in that connection these Regulations have been extended to the original jurisdiction of the Supreme Courts of Calcutta, Madras and Bombay by the Government of India Act III of 1858. It says that the provisions of these Regulations relating to the arrest, etc., of State prisoners shall be in force within the local limits of the jurisdiction of the Supreme Courts of Judicature at Calcutta, Madras and Bombay. Therefore, Sir, it is quite obvious that European British subjects can be dealt with in the way in which some of my friends—one of my friends is certainly here—and some of my friends who are not here were dealt with, they could be dealt with if there was no attempt at racial discrimination. I submit, therefore, that this law is wholly unnecessary. In the first place, the ordinary criminal law of the land is quite sufficient and the strong arm of the law ought to be able to help the Government in legitimately safeguarding such peace and order as they have vouchsafed to the inhabitants of this country, a question upon which opinion may be reserved. The Penal Code is there, the Criminal Law Amendment Act is there, that Act of 1908 deals with unlawful associations, and therefore part of clause 3 of this Bill is not necessary. All that they have got to notify is that it is an unlawful association. If they declare some association is unlawful, why then, any person who is a member of that association will come with it ; it is not therefore necessary to make any extra provision in that behalf. Now, so far as European British subjects are concerned, if they want a summary procedure, they have got the Regulations and the Act of 1858. If they want control so far as foreigners are concerned, not only have they the ordinary law and these Regulations, but they have got in addition the Foreigners Act of 1864, by which their entry into the country, travel and movement can be fully controlled by the Government and they can be deported and asked to remove themselves very politely. I was told that a polite request for removal was all that was needed. For that purpose I do not think this is necessary. The Governor General in Council should send a polite request and the gentleman would certainly go, especially when that polite request is backed up by what my friend Mr. Ranga Iyer referred to as a free passage. Therefore, Sir, this Bill is, I submit, wholly superfluous.

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I have dealt with this subject at some length, because Honourable Members on any side of the House who may not be in agreement with some of our views, who may not be in agreement with my views, should not be stampeded into supporting this motion, merely on the ground that there is necessity for this motion. I say to anyone in this House who is against Communism, who is against any British Communists coming into this country, whether he agrees or not with the views which my friends on this side of the House or some of them may happen to entertain, that the existing law is wholly adequate and this Bill is unnecessary. In the second place, there is the question of racial discrimination. When an Indian is concerned, you imprison him under the State Prisoners' Regulation and in the case of a European British subject alone, you want to deal with him so lightly and send him away. That is certainly racial discrimination. No doubt the insinuating end of the wedge was shown. It was stated that Indians are excluded. But in truth, Indians are not excluded. They are not named in this Act, for they are fully covered by the existing law, by the Regulations and by the ordinary law and the punishments are severe. The present powers are quite sufficient to deal with Indians, but these powers could not be used against European British subjects, because questions would be asked in Parliament and various parties would kick up a hell of a row (*Honourable Members* : "Unparliamentary ; withdraw, withdraw.")—if it is unparliamentary, I withdraw at once—and therefore they should be allowed gently to go out of the country with a free passage. It is with that view and that view only, of making racial discrimination in their favour and letting their own countrymen go free, this is brought. Notwithstanding the assertion of Sir Victor Sassoon that he regards British Communists as foreigners, Government do not regard them as foreigners. They want even in the case of their British Communist friends to make all possible concessions and they want to send them away as courteously as possible ; and therefore I say that this Bill proceeds upon a racial discrimination.

Dealing with the third point, the Bill is wholly dangerous in principle. It is a repressive measure. That word has been heard in this House and elsewhere many times, but if ever that word can be applied to any measure, it should be applied to this. For, what do you see ? The questions which will arise in connection with this Bill, if this measure becomes law, will be very intricate, very delicate and difficult, namely, whether a man directly or indirectly advocates the overthrow by force or violence of the Government, or the abolition of all forms of Government, whether he promotes enmity between different classes of subjects, or whether he foments industrial disputes with the direct object of subverting—these are questions certainly of a difficult nature oftentimes which will require not only clear evidence, but which will require anxious judicial consideration. How is the Governor General in Council, who is not a judicial authority, to decide these questions, without hearing anybody, without giving notice to the party concerned ? We know what this means. I admit the Governor General in Council is there in the Statute-book. We know it does not really mean that but having regard to the administration, it necessarily means some link in the administrative chain, which is strong enough to make itself felt. It may be a policeman at the bottom of the ladder ; it may be a Collector or a Magistrate, or Commissioner or it may be a journalist who has the ear of the Government House or it may be a

European capitalist who is strong enough to make himself felt and who canvasses official votes for his point of view. Therefore the Governor General in Council does not mean really the Governor General in Council. It comes to him for the first time, flagged files of papers no doubt come to him and various other things. Somewhere or other along the chain there will be some man who knows his mind, who is a streng man and who wants a particular person whom he considers is obnoxious should be removed and he has simply to insist upon it and I know in course of time he will have his way. There is no doubt about it. I see the Honourable the Home Member with larger experience of administration than I have differs from me and smiles. I am perfectly certain if he would only consider in how many cases he brings to bear his independent judgment and in how many cases he merely endorses and puts his signature on the proposals sent up he would agree with me. Therefore, I submit that the Governor General in Council means nothing whatever. The biggest phrase is put in, as if the Governor General in Council actually deals with it. Secrecy and the black cap are the order of the day. That is what is done and nothing else. I therefore submit that this is really asking us for a very large order. I submit also that not only is there no trial by a court, is there no hearing, is there no notice, but the various things which have to be elicited are really matters which cannot be elicited by officials. It must necessarily be a public open judicial inquiry. The fierce light of publicity is the one safeguard against any despotism, against inadvertent discharge of duty, against negligence. With the best will in the world I cannot discharge a duty properly unless I hear the other side of the case. I may consider myself a very just man—and I do consider myself to be a very just man (Laughter)—but I do submit I cannot discharge that duty faithfully unless I hear the other side of the case. And I cannot hear the other side unless the other side is represented in cases in which representation is necessary, and not only is that necessary but it should be open hearing and open investigation of the matter. Publicity is at the root of it, and I have been told by my elders and political ancestors, who believed in British justice, that publicity was a great inheritance from the West. But I find that this Bill goes against that ancestral tradition.

Then you will see what an extraordinary provision section 7 of the Bill is, to which I would refer you.

"No removal order shall be called in question in any Court or by or before any other authority whatsoever, and nothing in section 491 of the Code of Criminal Procedure, 1898, shall apply to any person who has been committed to custody under section 6"

—"any other authority" presumably is intended for the Assembly—

"or any other person in respect of whom a removal order has been made; and no suit, prosecution or other legal proceeding whatsoever shall lie against any person in respect of anything in good faith done or intended to be done under this Act."

If the Governor General in Council at least had pending before him the risk of a suit or other proceeding, then there would be some slight safeguard, but when the Government has been given this wholesale immunity, what guarantee is there that the Governor General in Council can do anything but read the papers and sign any recommendation placed before him ? I submit, therefore, what most Judges of the Indian Courts, High Courts, and the Privy Council, have found very difficult to construe and apply, the Governor General in Council in no time will find it incredibly easy for him to deal with. I submit that no further argument is necessary against this Bill, and I appeal to every one of my friends, whether he agrees with my

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arguments or not, steadily to set his face against this most mischievous and obnoxious measure, which has been brought at a time when all the parties had met at Lucknow and had made a generous gesture to the British Government and people.

Then, Sir, I now deal with the last part of my subject, namely, that this legislation is wholly misconceived. It is not suggested that Communism is illegal. They have not made Communism illegal. They are allowing Indian Communists to propagate that doctrine. On the basis that non-violent advocacy of Communism is not illegal, we do not concede that Indians are not affected by this particular legislation. They will be proceeded against as a next step when the provisions of this Bill become law. If that were not so, what is the reason why, if a British Communist comes and does things, should he be restrained? We do not want British leaders here either for ordinary normal politics or abnormal politics. We want to be national and to lead and to be led by ourselves. But at the same time we are not a people who are ignorant of the laws of hospitality. We are not a people who are against learning from others. Therefore, Sir, if we oppose this Bill we oppose it on the ground that we do not want the British Communists to help us, but that any British subject or any foreigner who is entitled to come to India must be dealt with in the ordinary way, and if he has a theory to propose he must be allowed to propose it. Very much has been made of Communism. We cannot draw our information from the early history of the Russian revolution or from the early days of the Internationals. We must take the facts as they are at this moment and not deal with this question as if we were dealing with extreme doctrinaire views propounded in the earlier days. We know perfectly well that amongst the Communists there are several schools and the school that is dominant is the National School of Russia, and that school holds the view that the religious faith of citizens should be tolerated, that private protests and capitalism should be recognised to a certain extent, and it also recognises the fact that other countries should have their own national government. If there is one government in the world that has changed its mind and now fully recognised religious freedom, that Government is Russia. (Ironical cheers from Treasury Benches). There are more than a thousand churches which are filled with worshippers in Moscow, and I found that they also allow not only religious instruction by parents, but that in the case of Muslims and Christians they have allowed religious instruction to be taught in schools conducted by Maulvis or Christian clergy as the case may be. I was anxious to enquire into this Muhammadan question, and I found that they were allowing Muslims full religious freedom and instruction. I had a talk with Mr. Lunackarsky, the Minister of Education, and he himself told me in the presence of a number of people what I have stated above and verified it from some Musalmans of the Soviet province who were in Moscow. I think, therefore, that it is idle to contend that Communists of all schools are intolerant of religion. The Soviets are recognising more and more private property and a certain amount of capitalism. My belief is the world is moving from the extreme and logical capitalism of the West through forms of State capitalism and severely controlled capitalism, to a position intermediate between extreme capitalism and doctrinaire communism, which will be certainly more to the right than Soviet economics stand now, but which is certainly quite different from the abolition of private property and of any degree of capitalism. I am dealing not with the Communism in theory but with Communism in action as it is to-day in

Russia, and after all the power of the Third International is more or less derived from Soviet Russia. Therefore, I submit,—as I told some of my friends in Russia, God is not a capitalist proposition, and I have no sympathy with any Communist view on that point to the contrary. We have nothing to fear from any attempt to spread any doctrine. Some of the greatest authorities in Russia told me most definitely that they allow religious toleration.

Mr. Srinivasa Iyengar: I talked with the Muhammadans there and they told me that there was the greatest tolerance in respect of religion in Soviet Russia, at least as great a tolerance as in any country in the world. I must take things as I have seen them. It may be that others have read some sort of books and got their ideas only from those books about Russia. I submit that Russia has been tragically misunderstood. No doubt their old debts have been disowned by them. No doubt there were revolution and its horrors but there is not the slightest doubt that ignorance and want of facilities for travel are mainly responsible for all this tragic misunderstanding. I am glad that Mr. Moore recognised that Russia itself does not want war. Nor does it want civil war.

Mr. Arthur Moore: It does want civil war.

Mr. Srinivasa Iyengar: The Honourable Member used the expression civil war and I say it does not want civil war either. No doubt it wants economic changes, but it does not want civil war, or wars of any and every kind. I submit further that I also found that nationalities are greatly encouraged by the Russian Soviet Government. (Hear, hear.) Every state is given full autonomy, every province is given full autonomy. States like Georgia are at liberty to separate themselves from the Soviet Union and they can declare themselves to be independent this day. That is the real position to-day in Russia as regards the various States that constitute the Russian Soviet Union.

Colonel J. D. Crawford (Bengal: European): How long have you been in Russia?

Mr. S. Srinivasa Iyengar: I was long enough in Russia, at any rate much longer than the Honourable Member, to know more about it than he himself. I know cross examination and I am used to it and I am not going to yield to his interruptions. (Applause and laughter.) Mr. President, I am not going to convince those who are blind and cannot see or those who are wilfully blind and will not see anything good there. (Hear, hear and applause.) It is this wilful blindness coupled with tragic misunderstanding as I call it that is responsible for wars and rumours of wars in the world. I submit, Sir, that Russia is more for nationalities than any other country in the world. This I learnt not only from Russians themselves, not only from Ministers and Leaders of the Soviet Government, but also from some of the Muhammadans citizens of the territories controlled by the Soviet Union who were in Moscow.

There was another cry that culture will be destroyed. As to this I must inform the House that the Soviet Government has been anxious to invent alphabets and insists upon each province having its own languages. This House may not be unaware that the Indian National Congress has been for a long time talking about linguistic provinces, but the Government would not listen to the Congress demands to separate the provinces on a linguistic basis and yet the Soviet Government which is much criticised has established linguistic and cultural provinces. It does insist upon cultural deve-

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lopment suited to the different provinces. No doubt in the time of the Czars autocracy and despotism existed in Russia. All that has disappeared to-day. If you want to see Communism in action as it exists at the present day, you must go to Russia and see for yourself. The Russians have got rid of all the old despotism and autocracy. If we want to understand Russia in the proper light, we must not read the present facts of the world situation in the light of earlier revolutionary history nor in the light of doctrinaire and academic propaganda which was preached at one time or which may be aired by some even now. We must look at the facts as they are to-day. Supposing you disagree with these ideals and views and you want to get rid of them, how can you do it ? Ideas like these will spread and cannot be suppressed. I doubt very much whether extreme forms of Communism will ever prevail in India. Communism does not mean revolution in religion as some seem to think. There is no fear from Communism for any part of the world. If you think any doctrine is unsound and if you want to get rid of it, the best thing is to allow that doctrine to spend its force. I can quite understand your apprehension if any violence is used or resort to violence is advocated. So far as violence is concerned, that will not be countenanced either by the Government or the people at large. To put down violence ample safeguards exist even under the present law. But that is not what is attempted or aimed at in the present Bill. The attempt in this Bill is to kidnap British or other Communists or socialists and remove them from this country.

The only other argument to which I need reply now is the argument that there will be a great deal of violence in this country unless we check his menace. But what is the evidence that we have of the proposition that these Communists have preached violence in India ? Have you got any evidence ? We have got none to the effect that they actually preach violence in India. I have not seen anything of the kind. Nothing convincing has been quoted till now for the purpose of showing that they preach violence. What you want is not one scrap of paper here or another there. What you want is a strong body of convincing evidence which will enable us to appreciate any case that may be put forward. I certainly stand for freedom of thought (Hear, hear) for freedom of expression of opinion, for freedom of propaganda, for freedom of association. This Bill strikes at the very root of the fundamental rights to freedom of thought, to freedom of expression of opinion, to freedom of propaganda, and to freedom of association. On that very ground I strongly oppose this Bill. Whether we agree with this part of the Communist doctrine or that part of the Communist doctrine, it does not matter. It is not a matter with which we need concern ourselves. I am perfectly certain that a doctrine which is unsound will by its own weight perish. The sounder doctrine will persist in the course of evolution and even in Russia the earlier doctrines which were unsound have died of their own accord and to-day the sounder ones are prevalent. There have been great changes in the matter in Russia and they may change still further. In Russia it has been perfectly well demonstrated that even with all the aid of force at its command, the Russian Government was not able to maintain purely theoretic Communism in its most extravagant form. They have made that experiment in Russia and failed to uphold that kind of doctrine. There is no danger to a body politic by allowing any theorist to propound his views. The only constructive suggestion

that I would make——for we are often told that we do not make any constructive suggestions and that we are only making destructive criticisms—— the only constructive suggestion that I would make to the Government is to encourage all sound socialism. That of course would be a corrective to doctrinaire Communism if Communism were to be of the most violent type. What is wanted in India is State capitalism and fully controlled capitalism and the welfare of labour and peasants. My own opinion is that the Soviet economics is not yet stable because it is more to the left than it should be. But I certainly disagree with the capitalist school of thought which wants uncontrolled private capitalism as it stands at present in America or in England. Those are my own particular views and they differ from Communist doctrine, but whether those views are acceptable to my Honourable friends on the other side or not. I do submit that it is necessary that we should live at peace with all the world. We should not have any misunderstanding.

Then my last argument is that this Bill aims and its intention is——it is the intention of the Bill as drafted that matters, the intention of the drafts-man does not matter——to promote unfriendly relations between this country and foreign countries including Russia, between the people of India and the people of other countries. Why should the people of India who have no quarrel with the people of the other countries be asked to be a party to this Bill by which the foreigners may be deported, by which British subjects may be deported, by which Chinamen, South Africans, Germans, Frenchmen and Italians may be deported ? Why should we have anything to do with these things ? I submit that we should not take any responsibility in this matter. If we give our vote in favour of this Bill, and if this Bill is passed, we would be simply promoting unfriendly relations between this country and others, while curiously enough to prevent unfriendly relations some succinct provision is sought to be made by another measure which will be before this House later on. Therefore I submit that this is not a proper measure to be placed on the Statute-book and I strongly request the Members of this House not to think that their lives will be in danger or that their liberty will be in danger, or that their religion will be in danger, or that their zamindaris will be forfeited or that other things will go to ruin if this Bill is not passed. What a wonderful belief it must be which holds that by this Bill the British Government will give us more than the British Government has given us for the last one hundred and fifty years. The British Government has not given us this happiness yet ; but it is believed that the moment this Bill is passed we shall get it. I really cannot understand this kind of belief. It is childish, it is preposterous.

Then, Sir, I only want to say one or two words about one or two of the provisions of the Bill. I do not want to deal with the Bill in detail but there is one clause I have not dealt with which relates to the destruction of property. Any person who directly or indirectly advocates " the destruction of property " will come under this Bill, whatever its purpose. Now, the destruction of property is perfectly lawful and legitimate for 50 different purposes. Property may lawfully be destroyed for the purpose of sanitation, cleanliness and convenience, for the purpose of preventing the spread of epidemics and cattle diseases and the spread of agricultural pests, for town planning and improvements in city and village. You will want destruction of property for numerous other purposes. Therefore, Sir, I really was astonished that the Honourable the Home Member should want us to pass this Bill. It shows what danger there is in rushing through

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a Bill by saying it is very urgent. You have been told, Sir, and the Members of this House have been told that this is a very urgent measure. I ask what is the urgency? There is absolutely no urgency whatever. I do not know whether the Secretary of State has consented to this measure Presumably he has. I do not know whether the Secretary of State was able to obtain the support of Mr. Ramsay MacDonald and his Party. But what the urgency of this measure is I am unable to say. We were told British trade-unionism has purged itself of Communism. This Bill is not wanted because Communism is already purged from British trade unionism You really do not want it in every case, because you have your passport regulations to deal with cases of this kind. I know of at least one case which came to my personal knowledge while I was in England. The man was or was supposed to be a Communist; he handed his old passport to go to Germany and the passport, which was a British Empire passport, was cancelled. That is, he will not be allowed to go to other parts of the British Dominions. Therefore, there is ample safeguard. If they want it, the Government at home can easily prevent British Communists from coming out here. They are already doing it. That is the complaint made in the Press as well as in Parliament in England. Therefore, Sir, if really a measure of this description is wanted it should be taken in England and not here. But, as I say, I am all for freedom of conscience and, as my friend Lala Lajpat Rai said, we may not all of us agree with Communism but to try to suppress it will give it the force and freedom of a new religion. The more you seek to suppress it the more formidable it will be, for it is by forbidding things that you increase their attraction. It is by shutting out Russia, it is by trying to isolate Russia from the rest of the world, that you have made it more important and the Communists more important in the eyes of the world. I say, let the winds of Heaven blow on all theories, whether Communist or other. The intrinsic soundness of any theory will be the best test and the survival of the fittest is the only way by which you can judge. I am not now talking philosophy. I am talking practical politics and as capable administrators I am sure my Honourable friends on the other side are really convinced that what I say is true, though they may for their own reasons have to differ from me.

To conclude, I say that this Bill is wholly mischievous and pernicious It strikes at the liberty of the subject and we cannot seek to deprive any man, be he foreigner or British subject, of the liberty which we ourselves prize and should have. We want Swaraj in our country and we want to cultivate good relations with the rest of the world. We want that the men who come here should enjoy what we enjoy or wish to enjoy in other countries. They may not have the right to vote and other rights of citizenship but they should have all the ordinary rights which are conceded in all civilised societies to residents temporarily or permanently resident in a country though they may not be natural born or naturalized citizens of the State. That is the ideal that we want to work up to and therefore it is impossible for Swaraj India ever to agree to such a proposition as this. I would once more appeal to all sides of the House without agreeing with any part of my views as to the doctrines of Communism because I know they may have their own views and they are at liberty to have them—I would appeal to them to vote against it on the ground that it is an unnecessary measure. On the ground that it is a racial measure, even those who are anti-Communists or are frightened of Communism ought to vote against

this Bill. To others I would say, let us not be afraid of this bogey of Communism. For the other reasons to which my friend Mr. Ranga Iyer referred in his able and comprehensive speech—to which an unfortunate reference was made to-day as an " after-dinner speech ", a description which I resent as much as the speaker resented Lala Lajpat Rai's remarks against Sir Hari Singh Gour's speech—I submit that this is a Bill which ought not to be on the Statute-book. I would appeal again and again, I would appeal a thousand times, to this House not to be frightened by the word " Communism " or by the word " Red ". I am very very sorry that I never bargained for a speech of the description of Sir Hari Singh Gour's. When he approached me to serve on the Select Committee I said I would wholly oppose the Bill but that if the motion to refer it to a Select Committee was adopted then I should not have any objection to be on it. But I never bargained for the sort of speech he made. It looked to me as if he were supplementing things which had been left out by the Honourable the Home Member. This is not right; and I certainly know more about this topic than Sir Hari Singh Gour can know. Notwithstanding Colonel Crawford's very pertinent interruption I certainly know more about the matter and Soviet Russia than he knows about India. I therefore, Sir, request that this Bill may be opposed by all the parties in this House. But while I am against this Bill, I am not against the motion for the circulation of the Bill if it is necessary to find out what people think about it. I think myself it is unnecessary, but if it is considered necessary then we can try and find out whether there is really any evidence of the existence of this peril, whether Government is going to be overthrown, whether ordered society is going to be overthrown, whether Hindu and Muhammadan society is going to be overthrown. These are all things I have myself not seen yet. I am still a Hindu. My friends are still Mussalmans. I have not seen that they have been destroyed; and therefore, Sir, I would urge for all these reasons that this Bill is not at all a Bill which can deserve support from any quarter of this House, whatever may be one's opinion about Communism.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province: Nominated Non-Official): Sir, after hearing the very eloquent speech of the Honourable Member, who has just sat down, I think the House would like to hear the views of a man, who can only lay claim to a commonsense understanding. Sir, I have a certain amount of personal knowledge and a little experience of this Bolshevism or Communism. I will not go into the details of the sources from which I have got my knowledge or the experience that I have gained and should like to be as brief as possible. To my mind the question resolves itself into three issues. The first is, whether Bolshevism or Communism is an evil dangerous to society, religion and settled government; the second is, whether this evil exists in the country to any large or small extent, and the third is, whether it is necessary or desirable to legislate in order to put a stop to that evil, if evil it be, or whether the existing laws of the country are adequate enough to meet the situation. These are the only questions which to a layman like myself occur in the solution of this case.

Well, Sir, as regards the first issue, I believe most of the Members are acquainted with the literature issued on this subject, whether by Soviet Russia from Moscow, or by their opponents in Europe or America. Honourable Members would, I believe, have come across a good many books written on this subject in favour of and against this new gigantic propaganda of

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Bolshevism, and I need not therefore go into the details of that. But fortunately or unfortunately, living as I do on the extreme border of India, I have come across people who have given me first-hand information of what is happening under the Bolshevist rule in Central Asia. As a matter of fact, a very wealthy merchant or rather the Treasurer of the late Emir of Bokhara, is a neighbour of mine and we have been living together at Abbottabad for the last three or four months. It is not only from him and the numerous messengers and friends that he is receiving from day to day from Central Asia, especially Bokhara, that my knowledge of the state of affairs in those parts is derived but I can also claim several other sources of knowledge on that subject.

Sir, the evils that are now prevalent in those regions under the Soviet Government bearing the name of Bolshevism or Communism are numerous. This is what this friend of mine, who owned large properties not only in Bohkara, but in Samarkand, Tashkent and several other parts of Russian Turkestan, tells me. He tells me, Sir, that it was only by a small letter that he received one evening, which he could not believe to be genuine at that time, that he was told to vacate his houses and leave them for the use of the Soviet Government. He perhaps hesitated to comply with those summary orders, and the result was that he and all his relations were deported without any trial or inquiry. He has told me that on many occasions orders were communicated to people not by any regular tribunals but only through people wandering about in the country whom you could never believe to be people connected with the Government of the country in any way. If a man is unfortunately a little methodical or expects such letters to be coming to him in a more formal way, he at once suffers for it in a terrible way. As an instance of Bolshevik highhandedness, Soviet troops coming to a village will either go to what we call "Hujrahs" or guest houses in villages ; and if there is no guest house in a village they will seek shelter under the roof of mosques. They have no great respect for places of worship and, if they were to come to India, they would perhaps use temples and places of that sort. No excuse needs to be given by them for using these places of worship ! As regards property, well, I am not prepared to believe all that I have heard from these sources about their destructive policy ; but surely they want to distribute wealth more proportionately than might possibly suit some of our friends who are of capitalistic ideas. But if we approve of these ideas in Communist Russia on the plea of necessity and proper distribution of wealth then why should we have any objection to the activities of robbers and looters in the country, if they are committing these things simply for the sake of filling their bellies ? If that is the idea, we should do away with all penal laws against theft, robbery and all acts of these sorts. But to an ordinary man like myself, it looks as if Bolshevism was only a recognised form of robbery going on in those countries. I will not touch the more delicate question of Government, but I thought there was no disagreement on the point that Bolshevism or Communism as it prevails at the present day, at least in Asiatic Russia under the Soviet Government, is the most abominable form of Government or organisation. Things may be a little different in European Russia, where our friends on the opposite Benches occasionally go and see things by themselves. But on the Asiatic side of Russia everything is very much disorganised and no civilised nation—and I think we Indians claim to be civilised—

can approve of the system prevailing in those countries. Well, if I cannot express my feeling on this subject or communicate my knowledge of it in a more convincing way, it is due to my lack of command of the English language but personally I am perfectly certain that Bolshevism or Communism, as it prevails in these days in Central Asia, is the most destructive kind of organisation that has ever been set up.

4 P.M.

Mr. President (addressing the Government Benches) : Order, order, Honourable Members should not turn this Chamber into their office.

Nawab Sir Sahibzada Abdul Qaiyum : Communism, as it prevails in Central Asia, is the most abominable thing and must be guarded against as quickly and effectively as we can. Now, Sir, we take precautions against plague, cholera and other diseases, so no one will deny that it is more essential to set up a barrier against this contagious disease of Bolshevism or Communism. That is the first point.

The second question is, to what extent it exists inside and on the borders of India. I will not go to the seaside border but will confine my remarks to the land frontiers of India. I have some knowledge of them from a quarter of a century of my official life spent there. Even as early as 1919, when the third Afghan War broke out, I happened to capture some literature which showed that even then Bolshevik propaganda was carried on in India. I am disclosing no secrets when I say this and I wonder why the Home Member did not refer to this when making out his case. As a matter of fact, part of the trouble of 1919 was due to some such element existing in the country. I know this from my personal knowledge. As regards my own part of the frontier or tribal territory, there is a place called Chamarkand. That is an outpost of the Bolshevist propaganda. There is no secret about it. Everybody who knows anything about the frontier, knows that there is a strong outpost of Bolsheviks at Chamarkand. As a matter of fact I came in possession of a copy of a pamphlet which was practically a constitution for the provisional government of India ! It was written in Persian. It described how the Bolshevists would enrich themselves of the fabulous wealth which, according to them, existed in India. Some of my friends on the other side of the House may say that the country has been denuded of its wealth, but there are still stories of this fabulous wealth of India in circulation in Russia. The pamphlet explained how the money was to be divided and how the programme was to be carried out. Now, that outpost is not far away from the settled border of India. There are various other centres too. I am rather sorry to say that at one time we had a Bolshevik agency at a place called Chinglai about 6 miles from a village I own in the independent territory, and only some 15 to 20 miles from the place where I live. It began its work in right earnest and but for the pressure brought to bear upon it indirectly by the Local Administration, it would have flourished. As a matter of fact it did not flourish and the agent had to retire fast from that place. As students of geography may know, Chamarkand has got a direct line of communication through the Kunar and Bashgal Valleys, right up to Badakshan and Central Asia. There is a direct communication between that outpost and the central organisation of the Bolsheviks at Tashkend and some other places thereabout. These are the visible signs of the movement coming in the direction of India. Any Member of the House can verify the facts for himself. I do not know much about Mr. Spratt or Mr. So-and-So coming to India from the seaside.

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What I am afraid of is about these open valleys leading straight to Central Asia, which are not well guarded except for the vigilance of the Afghan Government in some places. Hundreds and thousands of caravans are coming to India through these routes, and what is there to prevent the propagandists from sending out their emissaries with these caravans ? I will quote you another case. In 1920, during the non-co-operation days, a number of young men went to Russia and were at once taken in the propaganda college at Tashkend Some of those got tired of life there and came back and settled quietly in their country. They are the greatest antagonists of the Bolshevists now. I know of a man who was there for a couple of years but he was never informed as to where he would be sent or how his services were to be used, when he was trained. They simply told him that they were preparing him for work in India ! This man was eventually distrusted. It is rather difficult to convince the Bolsheviks whether a man is coming there as a real seeker after the truth of Bolshevism, or whether he is the spy of the British Government. So people going there even in good faith are occasionally made to suffer ! This unlucky man, who went there as a great believer in Bolshevism or Socialism, with a broadmindedness like that exhibited by some of my friends opposite, was suspected and suffered a lot and returned very much disgusted. He is an eye-witness to the horrors of Bolshevism. Well, to my mind, Sir, there is no doubt that the evil exists, not only in a small form but in great strength and to a very considerable extent : and that it is an evil which, as I have said before, we must be prepared to protect ourselves against.

As regards the desirability or undesirability of the proposed legislation, well, I think that if we are convinced of the evil nature of this movement and if we are also convinced of the existence of it to some extent, then what is the harm of legislating against it ? The only point which struck me was the one raised by my personal friend, Mr. Srinivasa Iyengar, in his speech, that the present law was adequate to deal with these cases. Sir, I am not a lawyer, and I have not studied the various regulations and laws on the subject, but even if they do exist, I do not see the harm of going into the matter and making sure whether there is anything now in the Bill which will be more useful than the existing laws of the country on the subject. To my mind, and I am open to correction—and I am not a lawyer, —the present laws deal with the persons concerned in a penal way, that is, some penalty is fixed for the violation of these laws or regulations. Perhaps the Government of India are not prepared to enforce penalties in these cases but simply want to get rid of these undesirables, and that may possibly be the object of this proposed legislation. But one thing struck me very much, when I was listening to the very eloquent speech of my friend Lala Lajpat Rai who is not in his seat now. He was against all laws of expulsions and internments and thinks of the sort. But these laws do exist in the country, Sir, and they exist in a very violent form and I can refer him, for instance, to section 36 of the Frontier Crimes Regulation, and to another Regulation according to which a resident of the country and a British subject can be expelled from his home within 48 hours and expelled beyond his own country. These laws do exist. If so, why should they grudge them as against the foreigner ? My friend has often said that circumstances and conditions prevailing in some places may justify the existence of these laws but, will he tell me, please, whether the conditions prevailing in the country do not justify the enactment of this law ?

Mr. M. S. Aney (Berar Representative) : Can the Honourable Member substantiate his remark by referring to any speech of Lala Lajpat Rai that he has ever justified the retention of the Regulations in the North-West Frontier Province on the ground that the conditions in that province justify the same ?

Nawab Sir Sahibzada Abdul Qaiyum : I will refer the Honourable Member to one of the speeches made by Lala Lajpat Rai—I think, on the occasion of the debate about the detenus of Bengal—when he supported the repeal of the Regulation, that there may be justification for this and there may be justification for that in the North-West Frontier Province, but there is no justification for that law in Bengal. That was the debate I was referring to. Sir, the circumstances are there, as I have said before. I mean that the circumstances are *not* less pressing in this case than they were in the other case. It is becoming a fashion to say that certain things are justified here but not justified there. Only this morning when a friend of mine said something about the unsafety of life and property on the border, my blood boiled. I said to myself, " Look at the peace and tranquillity prevailing there !" and still these people will put in all sorts of questions about the North-West Frontier Province. I am aware, Sir, that this is more or less a personal matter, but still it pains me that people who are so lukewarm about safeguarding the interests, the lives and the property of their own fellow-subjects should ever be so anxious about the interests and liberties of foreigners ! Well, Sir, as regards the foreigner, the law can only apply to two classes of people, either people from Central Asia, coming by these routes through the land borders, or people coming to India by sea from foreign countries such as Europe, America and various other places. I have no sympathy with those coming to India from the seaside (Laughter) ; because the more they are turned back, the greater the trouble will be which they will create for themselves and the Government. If the Government were to go against any international law, they will only be creating difficulties for themselves, and if they were to turn out any Labourites or other Britishers they will be coming to loggerheads with their own people !! Then Government were not able to keep the order of externment in the case of Mr. Horniman in force for long and they had to cancel that order and that gentleman has come back to India. Similarly, Mr. Spratt's case has created a stir in this country, and if Government were to send back to their homes men of that type, it will, I am sure, serve the purpose for which my friends opposite are fighting now. Let Government turn them back, let Government break an international law and let Government open the door for agitation in this way ; it will only serve the purpose of my friends over there Why should my friends object to legislation under the Government of India Act for this purpose ? It will give them wider powers, if the Act is interpreted in that way. That is one point. But as regards people coming to India from the borderland, these people are already liable to expulsion. I know that many undesirable people are sent back by the authorities on the frontier ; I do not know under what law, but they are sent back in practice, and I am not sorry to see them sent back because they are really a danger, if for nothing else, at least for smuggling *charas* which is becoming very cheap, and for possible propaganda, etc. So coming back to the point, I do not see why there should be any hesitation about legislating on this point. After all the Select Committee, to which the

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Bill is going to be referred, will see that this is not a superfluous law ; they will see how much of it is not already there in the existing laws of the country ; if they find anything extra as useful, they will recommend it for incorporation in the new Bill ; otherwise it will be only the Preamble to the Bill perhaps that will be left and nothing more. Well, some of my friends suggested the circulation of the Bill with a view to elicit public opinion on the same. I do not know what public opinion is wanted to be elicited on this subject. The public do not want to be disturbed by any Bolshevik movement. If it is explained to them by some expert lawyers that this Communism is going to bring them a share of the wealth of the capitalists, then they will of course vote against this Bill. It is the interpretation which is put upon the law which will encourage them to give their opinion one way or the other. It is really a question for expert lawyers, like my friend the late Advocate General of Madras, to explain to the people whether their liberties and privileges, liberty of conscience and of faith, will or will not be affected by this law. I think it was he or Lala Lajpat Rai, who said that the Bill is very badly worded and is of very wide application in its present form, but that defect can be remedied in the Select Committee and even the present laws are open to misuse or abuse by those who administer them. In short, Sir, all that I will say is that there is no harm in referring the Bill to a Select Committee for consideration.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I am no admirer of Communism, nor am I one of those who think that India can benefit by the import of Communism from Russia. I, however, confess that, in spite of the various speeches that we have heard since this morning, I am not yet convinced of either the necessity or the justification for a Bill of the nature that is before the House, much less of the pressing urgency and the pressing hurry to see the Bill through immediately. Sir, the principle of the Bill, as I understand it, is to give the executive Government powers to get rid of non-Indian Communists from India *without trial*. I want the words " without trial " to be noted because I attach very great importance to those words.

Mr. K. Ahmed : Do you require trial ?

Sir Purshotamdas Thakurdas : If you do not want trial I wish you luck of it. Sir, I understand that the Honourable the Home Member has, by experience, found it necessary to deal with importations of this nature, from across the borders or from over the seas, without trial. I understand that he considers it to be in the interests of India that part of the information which may be available to the Government of India regarding some of these persons who come across to India should not be divulged. I personally am prepared to accept his statement, but what I feel is that in a case like that the Government of India have the power to deal with such undesirable persons and it is not necessary to ask this Legislature to give them any more powers. I know my Honourable friend from Calcutta, Mr. Arthur Moore, stated that the Government of India do not like to use Regulation III of 1818. May I ask if the danger is as serious as portrayed by the Honourable the Home Member in his opening speech, why do the Government of India hesitate to use Regulation III of 1818 in the case

of Britishers and foreigners when they used it deliberately, only a few years back, in the case of Indians in Bengal ? If it be the intention of the Government of India to relieve themselves of the power given by Regulation III of 1818 on the ground that it is out of date and more or less primitive in nature, I personally am quite prepared to consider this Bill in the Select Committee. But, as long as the Government want to retain that Regulation, I feel that they want more powers from us of a nature most sweeping and, if I may say so, and as I hope to be able to prove later, of a most dangerous character bearing in mind the constitution of the Government of India at present. The question therefore, Sir, is, has the policy of Government that we are being asked to approve been put before us in full ? Does the Bill before the House indicate all that the Government of India ask or will ask us to do ? We are told, and my Honourable friends here have emphasised it, that this legislation is not to apply to Indians. My Honourable friends on this side have put certain questions, and I expected at least that when the Honourable the Foreign Secretary got up to speak—and he is the only Member from the official Benches who has spoken after the Honourable the Home Member—I thought that he at least would have given us some indication of what the intentions of the Government of India are regarding Indians who may take to this work of spreading Communism in this country as agents of Communists abroad. There can be, Sir, only three alternatives as regards the Government of India's policy in this connection. Either the Government of India have made up their minds to let Indians have this as a source of employment, considering that unemployment at present is so bad ; or they propose to deal with these Indians—I need not name them, many of my friends know them, especially the Home Member—under Regulation III of 1818 ; or, thirdly and lastly, they intend subsequently at Delhi or elsewhere to bring up legislation after this House has endorsed the principles which the Government of India want them to endorse by this Bill. I ask every Honourable Member who has spoken till now, including my Honourable friend Sir Abdul Qaiyum, to seriously consider whether he is prepared to commit this House to a policy which, when the Government of India want automatically to extend to Indians, few of them may like to give their assent to. Will they then be able to say that what they thought was good enough for the foreigner and the Britisher is too severe for the Indian ? And as Indians cannot be deported in any other country, Regulation III of 1818 which permits imprisonment without trial, would, the Executive will contend, be the only remedy.

Sir, I belong to that class and my constituency is one which is most interested in keeping Communism and Bolshevism out of India. I am one of those who, if I may criticise the Government of India regarding their policy in the last few months, feel that the Government of India have been unnecessarily halting, and, if I may say so, even weak-kneed. If Bolshevism and Communism be a live danger to India—and I propose to take the Honourable the Home Member at his word for that purpose, as I have not the proof nor the evidence before me which the Government have—if it has been as bad as the Honourable the Home Member makes it out to be, may I ask him whether the Government of India have till now taken any steps in this connection ? Is it, Sir, that they are afraid to apply Regulation III of 1818 to anybody but Indians ? Or is it that

[Sir Purshotamdas Thakurdas.]

they want this House to be stampeded into doing something which Government may later on contend should be equally good for Indians? It is for this purpose, though Indian trade and industry want all the protection which Government can give them from Bolshevists and Communists, I as their representative, bearing in mind my full responsibility, say that we cannot consider a Bill of the nature which the Government have placed before us.

Sir, at the risk of a little repetition—and I will try to avoid it—I wish just to submit to the House my reading of clause 2 (*a*) and the danger that I see in it. It applies to any person who seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting the authority of law or organised government in British India. I venture to ask every Honourable Member here to consider whether if they had passed this, shall I say, at the last Delhi Session, this would not or could not have been used against Mr. Vallabhai Patel in Bardoli. (*Honourable Members*: "No.") It could and in all probability would have been used. I have not the least doubt about it. If the Legislature had endorsed the principle underlying the Bill in reference to a foreigner or a Britisher, the executive would have said "We had your deliberate opinion about this. Here was an Indian to whom the law did not apply, but the exigencies demanded it and we have dealt with him in the only way open to us and that is under Regulation III of 1818".

Sir, we have been told that there is legislation of this sort and even of a more severe nature in some foreign countries. I may say at once, Sir, that I propose to accept the *bona fides* of every Honourable Member who has spoken on this subject in this House either in support of or against this Bill, and I am trying to weigh for myself which way the best interests of the country require one to vote. We are told that every country has got powers of this nature. I will accept that. The Honourable the Foreign Secretary says it is not as my Honourable friend Lala Lajpat Rai said of the United States of America. I will accept the Honourable the Foreign Secretary's version. There is this difference, however, Sir. The countries which have been named are countries which have Governments responsible to them and Governments whom the respective Legislatures can remove if they felt that the sweeping powers thus vested on trust are misused. These arbitrary powers in such countries are quoted to us as precedents, Sir. We, however, have an irresponsible, irremoveable Government. We have a Government which either by themselves or on orders from across the waters have flouted the deliberate opinion of this House on even minor issues. To ask this House therefore to vest their irremoveable executive with powers of a nature which admits of no questioning once you give the power is, Sir, to say the least, asking us too much. Even that I will be prepared to consider if Government had not those powers. But they have the powers. We are told Government do not like to use them. Let them give them up. We will then consider vesting them with new powers. Every country ought to have powers of the nature that the Governments are to-day seeking; and this Government have them. What is it that is really worrying them and why do they come to us with an

an incomplete plan telling us as if we are children, "This does not affect Indians; therefore you can pass this"? Surely, Sir, the popular side in the Assembly should have been credited by the Executive Government with a little more commonsense.

Sir, I am very nervous about the risk of wider application of this Bill beyond Communists, and this having been referred to by various speakers before me I do not propose to dwell on it. But I cannot understand the reason why the Government of India propose by this Bill to leave, shall I say, the profession of preaching Communism open to Indians. I wish to warn this House that these are reasons for caution rather than for rash and summary consideration of the Bill. As the Government of India have powers which they can exercise, I really wonder why the Government are opposed to circulation of this Bill. It is possible that the Provincial Governments may have a great deal of useful information to give. It is not as if the Government have no powers at all and are not able therefore to deal with the danger in the meantime. All that I understand the position to be is that Government say, "We have powers; we do not like to use Regulation III; we therefore want these fresh powers from you". My only reply to the Honourable the Home Member, anxious as I am for Bolsheviks and Communists to be kept out of India, is, you must take us into your fullest confidence and until you disclose to us your full policy we cannot possibly consider such a Bill.

We have been told, Sir, of the dangers of Communism entering India. May I ask whether Government have considered why and how Bolshevism happens to flourish in any country in the world? I suggest it to the Treasury Benches that it is the Government in India who prepare the soil for Communism in India (Hear, hear) and even fertilise it with their anti-Indian policies in various ways. One need only mention the extremely short-sighted and orthodox policy regarding military training for Indians and the currency and financial policy in India (Hear, hear), a policy which has ruined the cultivator, in whose name several colleagues of mine have pleaded for support to this Bill to-day; increasing unemployment amongst Indians, to which the Government continue to turn a deaf ear; increasing the poverty of the masses, increasing depression of trade, commerce, and industry, decreasing the purchasing power of the cultivator, which are all very sure causes for the discontent of the subject classes in India.

Communist tendencies are more foreign to India than to any other nation in the world. If the Government of India would lay down as their goal a contented India, then Communism dare not even peep in. Should the Government continue to treat India as the milch cow of England, the danger referred to by the Honourable the Home Member would continue to increase, despite any number of Bills of the nature before the House being passed by this Legislature. (Applause).

Mr. N. M. Joshi: Sir, this Bill is admittedly aimed at Communists and the spread of Communist doctrines in this country. It must equally be admitted that the Communists are not the only persons and Communist doctrines are not the only doctrines which are aimed at by this Bill. Sir, it is also true that the present industrial unrest has prompted the Government of India to introduce this Bill. Well, Sir, I am not a Communist, but to the extent to which Communism aims at substituting

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the Socialistic and the co-operative basis for the economic and the social structure of our society in the place of the capitalistic and competitive basis, Sir, I have strong sympathy with Communism. I also take part, though a very humble one, in certain activities connected with the industrial unrest.

It is true that even the Communists in India or perhaps outside may not like to class themselves with me, and I may also perhaps not like to class myself with them. I think it would have been much better if there had been someone in this House who called himself a Communist, in order that he should have been able to defend himself and his doctrine. I go still further. Some Communists advocate violence. But there may be some Communists who may not advocate violence. I therefore think that there ought to have been someone in this House who would accept the description given in clause 2 of this Bill as applicable to himself. Sir, I do not believe in the advocacy of force or violence. But I feel, Sir, that there are people who may not like to take an oath of non-violence because they know that they have sometimes to deal with people who do not believe in non-violence, but believe only in violence. Sir, clause 2 (*a*) of this Bill penalizes the advocacy of certain doctrines which do not necessarily involve the use of force or violence. For instance, the promotion of enmity or hatred between classes is included as one of the items in clause 2 (*a*). Certainly the promotion of hatred between classes does not require the use of force or violence, and moreover it is a phrase which can be applied to anyone who protests against the exploitation by capitalists of the working classes. Those people who take part in the labour movement do not care to promote hatred between classes. We do not hate any class, but we certainly hate the system by which society is divided into classes whose interests are in conflict with each other. Clause 2 (*b*) of this Bill deals with certain acts which need not necessarily involve the use of force or violence. Clause 2 (*c*) of this Bill penalizes membership of an association. I therefore think that, although I am not a Communist, it is not difficult for me to decide that the Bill must be opposed with all the force which the Members of this Assembly can command. It is a Bill which aims at holding certain doctrines and also against the expression of those doctrines. It also penalizes membership of an association. Well, Sir, I feel that if the Government of India wishes that industrial unrest in this country should not be exploited by Communists, they cannot do so by this Bill. It is easy to pass this Bill, but certainly you will not be able to get rid of the industrial unrest only because you pass this Bill and will be able to deport one or two English people out of this country. The industrial unrest is certainly not due to the presence of Communists in this country. It may be possible that those Communists who live in this country may exploit the industrial unrest. I would like to know what the Government of India have done to see that there will not be industrial unrest in this country. It is useless to try to apply remedies which will not remove the root cause. If you do not want the working classes in this country to imbibe Communist doctrines, the working classes in this country must be sure that their goal will be achieved not by holding Communist doctrines or by following Communist methods, but their aim can be achieved in this country by following the method of speedy evolution and by the method of negotiation and argument. Is the conduct of the Government of India and of

the employers in this country such that the workers in this country can be sure that their goal, their ambition, can be achieved in this country by the method of negotiation, by the method of argument, and by holding doctrines which are not Communistic ? Well, Sir, in this matter I have got some experience, and with that experience I am not able to say that the Government and the employers have by their conduct shown that the method of argument and of negotiation will give to the workers what they want. I may give you some experience of my own. Three years ago Sir Clement Hindley, the Chief Commissioner of Railways, and the Agent of the Great Indian Peninsula Railway refused to meet me as the President of a conference held by the Great Indian Peninsula workers, on the ground that I was an outsider. Sir, the Agent of the Great Indian Peninsula Railway, as my friend Mr. Srinivasa Iyengar has stated, was waiting for an Englishman named Mr. Bradley to appear with whom he would very willingly talk and negotiate. Was the Agent of the Great Indian Peninsula Railway thinking of the Englishman's monopoly, not only in the superior services in this country but in the service of trade unionism in this country ? I hold in my hand a letter which I received only two days ago in Simla. The letter is from the District Magistrate of Sholapur, which reads :

> " I have the honour to say that I regret that I cannot discuss the Sholapur Mill strike with the President of the Bombay Textile Union. As President you have no title to be heard in Sholapur affairs."

Sholapur is a town in India, and is in the Bombay Presidency, and I want to know why I have no title as President of the Bombay Textile Union to be heard by the District Magistrate of Sholapur. I feel, Sir, the District Magistrate of Sholapur is an Englishman and that is why he refused to discuss the question with me. Perhaps if it had been some Englishman, he would have been willing to discuss it with him. The District Magistrate would have been willing to negotiate with a man of his own colour and belonging to his own race. I ask the Government of India whether their attitude towards the Bardoli affair was such as to promote faith in the method of argument or in the method which the *Times of India* described as Bolshevik. What is the attitude of the Government of India towards labour problems ? Do they really show that by argument and by discussion, workers will able to secure improvement in their conditions ? I feel, Sir, that that is not my experience. In India, there is at present unemployment among the working classes. I am sure that the Honourable and gallant Baronet from Bombay will not deny that there is unemployment in this country. But the Government of India instead of passing measures to protect the working classes which are unemployed deny the very existence of unemployment in this country. I want to know, Sir, what the Government have done for the working classes. If a Communist tells the working classes that there is a method by which their distress could be remedied, by which the unemployment problem could be solved, why should he be prevented from doing so ? The Government of India are aware that the working classes in this country suffer during sickness. What are the Government of India doing ? The Government of India have now issued a circular on this subject which may take five years to fructify. Have not the working classes in this country, in big industries at least, suffered on account of unprovided old age ? What have the Government of India done in this respect ? What have the Government done to show to the working

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classes that by the method of discussion and by the method of argument the working classes will be provided for during their old age? I therefore feel that the conduct of the Government of India towards labour is not such as to produce in them a faith that the method of argument and the method of negotiation will succeed in this country. Moreover, if the working classes are to have faith in the method of argument and in the method of negotiations and not in the method of force, and violence or of direct action, then they must feel that their conditions will be improved and that the goal of their ambition will be achieved by the former and not by the latter. The working classes in this country are not willing to remain mere wage-slaves any longer, all through their lives and for all generations. They think that if the capitalist is necessary for an industry, the labourer and the wage-earner is as much necessary for it. They therefore want to be an equal factor in the industrial system and they want to have an equal share in the management and control of the industry. Is the conduct of the Government and of the employers such that the working class man can feel as we feel in politics that at least one day in his life he can have industrial self-government? Is the conduct of the Government and of the employers such that the working class man can feel that during his lifetime and before many generations are over he can become a free man and an equal partner with the capitalist in the management of the industry? Sir, the working class man has no hope to-day. The working classes like ourselves have also an ambition that they should be equal with any other men in this country. The working class man has a right to the possession of all the civic rights which others possess. Is the conduct of the Government in this country such that he may have faith that within his lifetime he can secure all the civic rights? If the working classes in this country cannot have this hope, then certainly by deporting one or two Englishmen, you are not going to stop the spread of Communist ideas in this country.

Mr. K. Ahmed: What about Sir Purshotamdas Thakurdas and Mr. G. D. Birla?

Mr. N. M. Joshi: I make no difference between the European and Indian capitalists as officers of Government make a difference between English trade unionists and Indian trade unionists. (Hear, hear). It is said that through the influence of these Bolshevists, several strikes have taken place in this country. I feel, Sir, that that is an entire misconception. The Honourable Member Mr. Moore said that the strike at Jamshedpur was due to the influence of a Communist. I happen to know the people who are taking part in that strike. I know Mr. Homi not for one year but for several years. I can say that he is not a Communist. What about Lilloogh and the South Indian Railway strike? Sir, in both these strikes, there was an economic issue involved. Even the Government of India in reply to questions in this House stated very clearly that both these strikes were due to industrial issues. They have stated in this House very clearly that the Lilloogh dispute was due to the dismissal of some workmen at Lilloogh. The Government themselves will admit that the dispute on the South Indian Railway was due to the policy of retrenchment which the railway authorities followed there. I therefore feel, Sir, that it is wrong to assume that these Communists are at the bottom of all the strikes and disputes in India. If the Government think that by deporting a few Englishmen they are going to stop the spread of strikes

in this country, as my Honourable friend Sir Hari Singh Gour would have us believe, then they are very much mistaken.

There is only one more word which I want to say in conclusion. My Honourable friend Sir Victor Sassoon said that this Bill intended among its other objects to save me from being killed by the Bolshevists or by the Communists.

Sir Victor Sassoon: Eliminated.

Mr. N. M. Joshi: Well, I will not conceal the fact that although I sometimes co-operate with people who are known as Communists, there are also occasions when I have my differences with them. We have sometimes friendly rivalry and competition, and sometimes the rivalry and the competition also become unfriendly. But, Sir, let me say that although we may have our differences, although there may be competition between these people who call themselves Communists and those people who like myself are not Communists, yet we do not wish that those people who may be called our rivals should be deported in order that our work may be easy and smooth. Moreover, I do not feel myself that by deporting those people who may be our rivals in the trade union movement our work will be made easier. I know what happens in politics and will happen in the labour movement. We who take part in the labour movement know that the deportation of Communists will not make our work easy. I have faith that the policy and the method which I am following in the labour movement is the right one, and my faith is that, if I continue and if others continue to carry on this movement on those lines and with that policy in view, we have no fear from the Communists even though they are left free by the Government. We wish that these Communists should have the same freedom which we have to preach their doctrines to the masses of this country because we have no fear that the Communist doctrines will succeed even in free competition with those doctrines which I hold and the policy which I follow. I therefore oppose this Bill.

5 P.M.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour): Sir, if I intervene in this debate it is on account of some of the arguments which have been put forward by my Honourable friend Mr. Joshi and in some of the earlier speeches the general tone of which was to insinuate that the Bill which we are discussing to-day, and coupled with it possibly some clauses of another Bill for which I am responsible, are evidence that Government's policy towards labour is a policy which is hostile, antagonistic to labour, a policy dictated by capitalists. Now, Sir, I think it most important if we are to consider the Bill before us without prejudice that these misconceptions should be cleared away. I do not propose to discuss the clauses of the Trade Disputes Bill which are considered as having a repressive effect on labour and labour's aspirations because there will be a later opportunity to do so. I would only like to assure the House that there has been the greatest misrepresentation about those clauses, that they do not do what many of their supporters and many of their opponents have thought they do, that they are borrowed from the English law, a country in which the right of labour to combine in order to obtain fair terms of employment from their employers is as much recognised as the Magna Charta of which we heard the other day; and if we are copying that legislation we are in no way antagonistic to the claims of labour to indulge in legitimate combination or in legitimate

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strikes. We are not even aiming at sympathetic strikes. What we are aiming at is something much more insiduous and much more dangerous—the general strike. This Bill also is an attempt to save labour from being led away by anti-social and dangerous agitators into courses which must in the long run be to the disadvantage of labour itself and that is my main point. Both this Bill and the clauses of the other Bill are intended to safeguard both the public and labour, because if the general strike, if the sort of activity into which the agitators with whom this Bill deals would lead labour, if that fails, who will suffer by it? Labour. Who will lose employment as a result of it? Labour. Labour is the loser in all cases, and therefore I confidently assert—and it is no paradox—that it is in the interests of labour that we are bringing forward these proposals which are accused of being of a reactionary character. In India the danger is greater than in countries where trade unionism has had generations of experience and where men have learnt by experience the consequences of precipitate action. Out here labour has to some extent to be protected against itself. We really do desire to save the incipient labour union movement from being led away in spite of themselves by the activities of people whose aims are certainly not in the interests of labour.

Now, Sir, there is much which was said by Mr. Joshi with which I agree. I do not for a moment suppose or suggest that this Bill or the clauses of the Trade Disputes Bill are going to cure industrial unrest. I am not so foolish as that. If our policy consisted only of preventive measures it would be a policy which this House would justly criticise. The House has a right to demand a constructive policy. I agree too that the most fertile soil for the growth of Communism is economic discontent. I entirely agree that it is our duty both to prevent the dangers which we think we see coming and also put forward at the same time a positive policy for the improvement of the economic conditions of labour, and I would ask the House to believe that Government are fully alive to that aspect of the question. Those who have been in this House for the last five or six years will probably, if they think it over, realise what a great volume of labour legislation has been dealt with by this House, in which this House has played its part. There has been a complete revision of the Factories Act, the Mines Act, the Trades Union Bill, the Workmen's Compensation Bill and so on, and there are a large number of measures, some of them initiated at Geneva, which are under our active consideration. If we cannot move as fast as Mr. Joshi and his friends may like we may be open to criticism. We are open to suggestions for any means of improving our methods and speeding up our programme. But my point is this. Even if Mr. Joshi and his friends think we are too slow, it does not mean that there is no necessity for preventive action. If he thinks our positive programme is inadequate or delayed, still it is quite an independent question whether the powers which we are asking the House to give Government to-day are powers they should have or should not have. In my opinion you cannot obtain the atmosphere and the soil suitable for a positive and constructive policy until you remove these dangerous anti-social activities.

I do not propose, in order to prove my case that there is danger, to quote speeches which may have been delivered, which many people know were delivered in different parts of India during the recent strikes. I would only refer the House to one document, a document which was published in every newspaper in India about the 31st of August last—a

manifesto from the headquarters of the Workers' and Peasants' Organisation in India. It is no secret document. It is a document which probably everyone has seen and that document, mentioning both this Bill and the Trade Disputes Bill, went on to advocate in the most open terms that labour in India should indulge in a general strike. Now, Sir, that is exactly my point. Labour in India is being misled, being misled into a policy which can only end in the defeat of labour and the injury of its interests; and we are entitled to protect labour from an organisation whose very name smacks of the spiritual home of which Sir Victor Sassoon spoke this morning.

Sir Purshotamdas Thakurdas: Is that being done by Indian agents or by British or foreign Communists?

The Honourable Mr. A. C. McWatters: I have not got the names of the executive of that organisation before me but I should be surprised if the Honourable Member did not find that some of the gentlemen on that executive come from outside India. However, I cannot prove that point here. Apart from that, my answer to his question is a remark which he himself made. He really gave the answer to his own question in the course of his speech when he asked why we were only dealing with British and foreign Communists and not with Indian Communists. He went on in the very next sentence to say, I have got it written down here, that Communism is entirely foreign to the spirit of this country. Well, if that is so, who is bringing it in, I should like to know? It is foreign to the spirit of the country, and the people who are leading away the more unsophisticated labourers and workers in India are these foreign Communists. And why? Because insignificant as these men are in their own country, when they come out here they are treated as the real genuine article and get double the attention paid to them in their own country.

Sir Purshotamdas Thakurdas: The Honourable Member evidently thinks that it cannot be done by post and by reading literature; that no Indian can take it up by reading literature and preaching it afterwards to the labourers.

The Honourable Mr. A. C. McWatters: It does not interfere with my point at all. My first point is that the danger exists and my second point is that the danger is urgent; and the reason why it is urgent is because the Indian trades union movement and Indian industrial development is at a comparatively early stage and therefore, when we see this poison creeping in, it is our duty to act now and not later. What would you think of a doctor who, seeing his patient was suffering from blood poisoning, waits until the symptoms developed into those of a fatal disease? That is what this House or rather some Members of this House are asking us to do. What we wish to do is to act now because we see the danger and because we believe that this Bill will at any rate assist in preventing this danger spreading. I believe confidently that Mr. Joshi himself in his sober moments will realise that this Bill will help him and the cause which he has at heart far more than anything else can possibly do. When in Bombay, Mr. Joshi is struggling against Communist activities and we hope he will struggle successfully and we wish to give him all the help we can. But whatever happened in Sholapur—

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and I do not know anything of the incidents that happened there—he enjoys the entire confidence of Government here and we trust him. That is all I have to say to the House except to appeal to the House to treat this not as a party matter. It is a matter in which a House of experienced and intelligent men can form their own opinion as to whether the danger really exists or whether it does not ; and although it is too much to suppose that the labourers and working men can realise that what we propose is for their good, this House is able to take a wider view.

Mr. President : To-morrow being a non-official day, this debate must go over to Friday. This House now stands adjourned till to-morrow morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Thursday, the 13th September, 1928.

LEGISLATIVE ASSEMBLY.

Thursday, 13th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

Mr. President : Mr. Jayakar.

Mr. M. R. Jayakar : Question No. 518†.

The Honourable Mr. J. Crerar : Will the Honourable Member put the question at a later stage ; I do not see my Honourable colleague.

Mr. President : The Honourable the Home Member will understand that this House and particularly the Chair are much inconvenienced if Honourable Members for Government are not present in the House to answer questions.

HAJ COMMITTEE.

519. ***Mr. Anwar-ul-Azim :** Will Government be pleased to state whether it is a fact that the suggestions of the local Haj Committees in all the provinces specially in Bombay are not followed by their Presidents, and specially in Bombay by the Commissioner of Police who is the President of the Committee there ?

Mr. G. S. Bajpai : Government are not aware that this is so. If the Honourable Member knows any specific cases and would communicate them to me, Government will gladly enquire into them.

‡520*—21*.

DISAFFECTION AMONG THE LICENSE HOLDERS ON RAILWAY STATIONS IN THE MORADABAD DIVISION OF THE EAST INDIAN RAILWAY.

522 ***Maulvi Mohammad Yakub :** Is it a fact that there have recently been frequent changes of the holders of vending licences on the railway stations in the Moradabad Division of the East Indian Railway, and if so are Government aware that there is disaffection among the licence-holders in consequence thereof ?

Mr. A. A. L. Parsons : Government are not acquainted with the position but will obtain the information for the Honourable Member from the Agent of the East Indian Railway.

NATURALISATION OF INDIANS IN THE UNITED STATES OF AMERICA.

518. ***Mr. M. R. Jayakar :** (*a*) Will Government be pleased to state how many cases have occurred during the last 5 years where Indians have been denied rights of naturalization in America ?

‡For question No. 518, *see* after question No. 522.

†For answers to these questions, *see* at the end of the starred question list for the day.

(*b*) Have Government taken any steps, or if not, do they propose to take any steps, to enforce the rights of Indians in this connection ?

Sir Denys Bray : I apologise to you, Sir, and the Honourable Member.

(*a*) As far as Government are aware, about 30, fortunately a small proportion only of the total number.

(*b*) This unhappy business has engaged the close and continuous attention of the Government of India and His Majesty's Government and His Majesty's representatives in the United States from the outset. Its great difficulty arises from the fact that the ruling that an Indian is not, and has never been, eligible for American citizenship is the ruling of the Supreme Court. This renders it unfortunately impossible to do anything in the case of those who have already been denaturalised. As regards the much larger number who are still naturalised however, the position seems now accepted that a process in the Courts is required in each separate case before a certificate of naturalisation can be withdrawn or cancelled—a procedure which in the natural course and in the absence of any outside stimulus seems likely to check further cancellations.

Mr. Gaya Prasad Singh : What is the total number of Indians in America ?

Sir Denys Bray : I am afraid I could not give a reply.

Mr. Gaya Prasad Singh : You have just said 30 out of a fairly large number. You must be in a position to tell us the total number.

Sir Denys Bray : Some hundreds.

†523*.

INTRODUCTION OF A BILL FOR THE INSTITUTION OF AN ALL-INDIA ACCOUNTANCY BOARD.

524. ***Mr. M. R. Jayakar** : (*a*) Will the Government be pleased to state whether the draft Bill for instituting an All-India Accountancy Board is now ready, and when Government expect to be able to introduce the same in the Legislative Assembly ?

(*b*) Are Government aware that the promises made in this behalf by the Honourable Member in charge from time to time have created expectations in the public mind, the fulfilment of which cannot be long delayed ?

The Honourable Sir George Rainy : A copy of a scheme which has been prepared and on which Local Governments have been asked to furnish their views after consultation with bodies or persons interested in the subject has been placed in the Library. The Government of India hope that the opinions of Local Governments will be received in time for them to be able to introduce legislation at the next Delhi Session.

ABSENCE OF THE HIGH COMMISSIONER FOR INDIA FROM THE PEACE PACT CEREMONY IN PARIS.

525 ***Mr. Ghanshyam Das Birla** : Has the attention of the Government been drawn to the report published in the *Indian Daily Mail*, Bombay, on or about the 28th August 1928, sent by its London Correspondent with regard to the resentment felt in Indian quarters in London at the absence of the Indian High Commissioner as a signatory from the Peace Pact ceremony in Paris ?

†For question No. 523, *see* after question No. 550.

Sir Denys Bray : Yes, Sir. I would add this. In accordance with the procedure approved by the Imperial Conference the Treaty was signed separately on behalf of India as on behalf of each Dominion. India's constitutional position was thus safeguarded.

But there is also the further and more imaginative point emphasised in the Press, unfortunately after the event. When it was originally assumed that it would be most convenient for His Majesty's Secretary of State for Foreign Affairs to affix India's signature, it was not known that the Dominions intended to send their High Commissioners. When it became known, it was unfortunately too late to alter the arrangements.

Mr. Ghanshyam Das Birla : May I ask if the Government of India will convey to the Secretary of State that in future on such occasions India ought to be represented by the High Commissioner ?

Sir Denys Bray : Question and answer will of course be put before the Secretary of State.

Mr. K. C. Neogy : Was the Government of India consulted by the Secretary of State regarding the question of the selection of India's representative ?

Sir Denys Bray : I am not prepared to answer that. I have gone rather beyond my usual sphere in answering the question already. But I am prepared to say that I am myself very sorry that my own imagination went temporarily asleep.

Mr. K. Ahmed : How many nations have signed this treaty ? Is it a fact that 39 of them have signed already ?

Sir Denys Bray : My impression is that a great many more than 39 have signed.

Mr. K. Ahmed : How many ?

Sir Denys Bray : I could not say.

GRANT OF PASSAGE AND ALLOWANCE TO MEMBERS OF INDIAN SERVICES DEPUTED OVERSEAS.

526. ***Mr. Ghanshyam Das Birla** : Will the Government be pleased to lay on the table a copy of the rules governing the grant of passage and allowance to members of Indian Services deputed overseas ? Is any distinction observed in the matter between European and non-European members of the same rank and status and sent on identical work ?

The Honourable Sir Bhupendra Nath Mitra : The relevant rule in the case of passages is that " a Local Government may sanction for any officer deputed out of India free return passages from India to the country in which the officer is deputed ". The Honourable Member will see that no distinction is made between European and non-European officers.

2. By the word " allowance " the Honourable Member presumably means total emoluments, including pay and allowances. Under Fundamental Rule 51, which regulates the pay of Government servants deputed out of India, an officer of non-Asiatic domicile is limited to two-thirds of the pay which he would draw were he on duty in India, while an officer

of Indian domicile may have the two-thirds limit relaxed in his favour Such relaxations are frequent, and full pay has recently been allowed in the majority of cases where the deputation is for a comparatively short period.

3. No distinction of any kind is made between European and non-European officers in the travelling and compensatory allowances drawn in the country of deputation.

STEAMER FARES CHARGED TO HAJ PILGRIMS.

527. *Mr. Anwar-ul-Azim : Will the Government be pleased to state whether it is a fact that tickets are sold to the Hajis in Bombay during the Haj season at no fixed rate ? If it is correct, do Government propose to stop this practice ?

Mr. G. S. Bajpai : The reply to the first part of the question is in the affirmative and to the second part in the negative.

FACILITIES FOR HAJIS ON BOARD PILGRIM SHIPS AND AT KAMARAN AND JEDDAH.

528. *Mr. Anwar-ul-Azim : Will the Government be pleased to state whether it is a fact :

(1) that there is no latrine on all the decks of Haj pilgrims ships ?

(2) whether this arrangement does not inconvenience the Hajis during the monsoon season ?

(3) whether there is any arrangement for distributing fuel and water during the course of the journey from Bombay to Jeddah and back ?

(4) whether all the pilgrim ships carry qualified surgeons, assistants and nurses and whether the hospital on board the ship is at its bottom ?

(5) whether the doctor in charge looks after the convenience and health of the passengers on the first, second and third decks ?

(6) what facilities are given to the Hajis to carry their luggage from the steamers to the island of Kamaran where the Hajis are detained for 24 hours for medical examination and whether any sleeping and resting accommodation is available on that island during this transit ?

(7) whether there is any British hospital at Jeddah and what is its personnel ?

(8) whether there is any restaurant or stall on these steamers wherefrom food, fruit, and other provisions could be purchased by the Hajis during the course of their voyage ?

Mr. G. S. Bajpai : Part (1). Latrines are in a convenient and accessible place on the upper deck. In the interests of sanitation they are not allowed either on between-decks or in the hold.

Part (2). Government are not aware that any inconvenience is caused by this arrangement.

Part (3). Yes. The Honourable Member's attention is invited to rules 32 and 33 of the rules contained in Appendix E. of the General Instructions for Pilgrims to the Hedjaz, a copy of which will be found in the Library.

Part (4). As regards the employment of medical officers and attendants to assist them the Honourable Member is referred to section 201 of the Indian Merchant Shipping Act and rules 70 and 80 of the rules in the Appendix quoted in my reply to part (3) of the question. Hospital accommodation may be provided wherever it may be convenient.

Part (5). The medical officer is jointly responsible with the Master of the ship for the care of pilgrims on the voyage.

Part (6). Pilgrims who are required to land for disinfection at Kamaran take ashore their soiled linen and any portion of their personal effects or baggage which the sanitary authority may require them to. Government have no information as to the facilities that are afforded for carrying such luggage but enquiries will be made. As regards accommodation, pilgrims are ordinarily accommodated in mat huts but a limited amount of more substantial accommodation is available.

Part (7). A dispensary is maintained at Jeddah by the Government of India, its personnel being 1 assistant surgeon, 1 dispenser, 1 dispensary boy and 1 servant.

Part (8). A price list in Persian, Urdu and Gujrati of the articles of food offered for sale is put up for the information of pilgrims at the place where stores are sold.

PUBLIC HOLIDAYS.

529. *Mr. Anwar-ul-Azim : Will the Government be pleased to state by what law the public holidays in India are governed, and on what basis the holidays have been distributed to suit the various needs of the different communities of the Indian people ?

The Honourable Mr. J. Crerar : Public holidays are declared by Local Governments under section 25 of the Negotiable Instruments Act, 1881, and are fixed at their discretion to suit the requirements of the Province from all points of view.

LOCATION OF THE OFFICE OF THE SUPERINTENDENT OF POST OFFICES, CHITTAGONG DIVISION.

530. *Mr. Anwar-ul-Azim : Will the Government be pleased to state where the office of the Superintendent of Post Offices, Chittagong Division, is located ? Has the attention of Government been drawn to the fact that it requires expansion ? Have Government made any estimate for the same ? Was any other site near about the vicinity of the Chittagong Club once chosen for the office of the Superintendent and his quarters ? If so, why was that abandoned ?

Mr. P. G. Rogers : Government has no information on the subject. A copy of the Honourable Member's question has been sent to the Postmaster General, Bengal and Assam.

RECRUITMENT OF STAFF FOR THE FENI-BELONIA AND CHITTAGONG-NAZIR HAT EXTENSIONS OF THE ASSAM BENGAL RAILWAY.

531. *Mr. Anwar-ul-Azim : Will the Government be pleased to state how many new recruits have been engaged by the Assam Bengal Railway in connection with their Feni-Belonia extension and Chittagong-Nazir

Hat extension and how many of them are Moslems ? Was any advertisement sent to the Press or anywhere else before the recruitment ?

Mr. A. A. L. Parsons : Three new recruits have been engaged for the Feni-Belonia and Chittagong-Nazir Hat extensions and all of them are Hindus. All other staff engaged have had experience on the Assam Bengal Railway. With regard to the latter portion of the question the reply is in the negative.

QUALIFICATIONS AND SALARIES OF CHIEF MEDICAL OFFICERS ON STATE RAILWAYS.

532. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state what are the qualifications of the Chief Medical Officers on the State-managed Railways and what are their salaries ?

Mr. A. A. L. Parsons : I am sending the Honourable Member a statement giving the information desired.

CHARGES AGAINST HEM CHANDRA DAS GUPTA, ESTABLISHMENT CLERK IN THE OFFICE OF THE DISTRICT TRAFFIC SUPERINTENDENT, ASSAM BENGAL RAILWAY, CHITTAGONG.

533. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state whether it is a fact that the establishment clerk Hem Chandra Das Gupta of the office of the District Traffic Superintendent, Assam-Bengal Railway, Chittagong, was involved in many charges, and that two Assistant Traffic Superintendents enquired about those charges, which were substantially proved ? What punishment have the authorities of the Railway inflicted on him ?

Mr. A. A. L. Parsons : Government have no knowledge of the facts. I must point out to the Honourable Member that the clerk in question is a servant of the Company and not of Government.

PREVENTIVE OFFICERS AT CHITTAGONG.

534. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state how many Preventive Officers there are now at Chittagong ? How many of them are Muslims, Indian Christians and Hindus ? Do Government propose to direct the customs authorities at Chittagong to recruit at least 45 per cent. of recruits from the people of the Muslim faith ?

The Honourable Sir Bhupendra Nath Mitra : There are in all 20 officers in the Preventive establishment at Chittagong ; namely, one non-domiciled European, 14 Anglo-Indians or domiciled Europeans, 2 Hindus and 3 Muslims. The appointing authority has been instructed, when future recruitments are made, to give effect to the declared policy of Government that no single community should be given undue preponderance ; but Government are not prepared to prescribe any definite percentage for the recruitment of men from particular communities.

TOTAL SERVICE RENDERED IN THE POSTAL DEPARTMENT BY BABU A. N. RAY, DEPUTY POSTMASTER GENERAL, BENGAL AND ASSAM.

535. ***Mr. Anwar-ul-Azim** : (*a*) Will the Government be pleased to lay on the table a statement showing the total service rendered in the Department by Babu A. N. Ray, Deputy Postmaster General attached to the Postmaster General's Office, Bengal, and the service rendered by him as clerk in the Postmaster General's Office, Bengal and Assam, Personal Assistant to the Postmaster General, Bengal and Assam, and Deputy Postmaster General attached to the office of the Postmaster General, Bengal and Assam ?

(*b*) Did he serve anywhere outside Bengal during his long service ? If so, for what period ?

(*c*) Is it a fact that he has been all along in the Postmaster General's Office, Bengal ? If so, why ?

The Honourable Mr. A. C. McWatters : The information asked for by the Honourable Member is as follows :

(*a*) Total service	about 30 years.
As clerk in the Postmaster-General's Office, Bengal and Assam	about 5 years.
As personal Assistant to the Postmaster-General, Bengal and Assam ..	about 16 years.
As Deputy Postmaster-General, Bengal and Assam	about 1 year.

(*b*) No.

(*c*) No. He was in the Director-General's office for nearly 5 years and in charge of a division for 1 year.

REPRESENTATION OF MUSLIMS IN CERTAIN SPECIFIED OFFICES.

536. ***Mr. Anwar-ul-Azim** : (1) Will the Government be pleased to state the number of Superintendents, clerks, and other non-gazetted officers (Hindus, Moslems and other communities) in the office of the (*a*) Accountant General, Bengal, (*b*) Controller of Currency, including Paper Currency, (*c*) Pay and Accounts Office, Miscellaneous Central Departments, (*d*) Pay and Account Office Survey Calcutta, (*e*) Controller of Military Accounts, Presidency and Assam District, and (*f*) Examiner of Government Accounts ?

(2) If the number of Moslems is very meagre in these departments, will the Government be pleased to state what policy they desire to follow to redress this injustice to the Moslems ?

The Honourable Sir Bhupendra Nath Mitra : The information is being collected and will be supplied to the Honourable Member in due course.

PAPERS SET FOR THE EXAMINATION FOR RECRUITMENT OF CLERICAL STAFF FOR THE OFFICE OF THE ACCOUNTANT GENERAL, BENGAL.

537. ***Mr. Anwar-ul-Azim** : Will the Government be pleased to state who is the authority responsible for setting examination papers for recruiting the clerical staff in the office of the Accountant General, Bengal, and who are the examiners of those papers ? Do they follow any system by which the names of the examinees could not be known or disclosed ?

The Honourable Sir Bhupendra Nath Mitra : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

AMALGAMATION OF GRADES I AND II CLERKS IN THE FOUR OFFICES IN CALCUTTA UNDER THE CONTROLLER OF PRINTING AND STATIONERY.

538. *Mr. **Anwar-ul-Azim** : (*a*) Will the Government be pleased to state whether they have received the report as stated by the Honourable Member in charge of the Department of Industries and Labour in his answer to my starred question No. 73 (*b*) and (*c*), dated 1st February, 1928 from the Controller of Printing and Stationery who was investigating into the nature of work and responsibilities of the clerks of the two grades I and II in the four offices in Calcutta under his control ?

(*b*) If the answer be in the affirmative, do Government propose to amalgamate the two grades at an early date and give effect to it since its re-organisation in January, 1925 ?

The Honourable Mr. A. C. McWatters : (*a*) The answer is in the negative.

(*b*) Does not arise.

REPRESENTATION OF MUSLIMS IN THE FOUR OFFICES IN CALCUTTA UNDER THE CONTROLLER OF PRINTING AND STATIONERY.

539. *Mr. **Anwar-ul-Azim** : (*a*) Will the Government be pleased to lay on the table a statement showing the number of Superintendents, head assistants (senior and junior) and assistants in the four offices at Calcutta under the Controller of Printing and Stationery and the number of Musalmans in each grade?

(*b*) Is it a fact that there is not a single Moslem Superintendent and head assistant in the above offices ? If so, do Government propose to fill up future vacancies in these grades by direct recruitment or by special promotion of Moslems from the Department to make up the percentage ?

The Honourable Mr. A. C. McWatters : The information desired by the Honourable Member is being obtained and will be communicated to him in due course. As regards the promotion of Moslems to the grade of Superintendent or head assistant, the attention of the Honourable Member is drawn to the reply given by the Honourable Sir Bhupendra Nath Mitra on the 13th September 1927 to part (*b*) of Mr. Abdul Haye's starred question No. 975 in the Legislative Assembly.

APPOINTMENT OF HINDUS TO POSTS VACATED BY MUSLIMS IN CERTAIN SPECIFIED OFFICES.

540. *Mr. **Anwar-ul-Azim** : (*a*) Will the Government be pleased to state whether it is a fact that Hindus were provided in the posts vacated by the following Moslem clerks of the offices mentioned against their names :

1. Maulvi Nazir Hosain Khondkar, B.A., clerk grade I, C. P. Branch, resigned in December, 1925 ;
2. Md. Shafi, clerk grade II, Calcutta Press, died in 1925 ;
3. Maulvi Abdul Rashid, B.A., clerk grade II, Central Forms-Store, transferred to the office of the A. G. Bengal in November 1926 ;

4. Maulvi Mohiuddin Ahmed, B.A., clerk grade I, Central Stationery Office, resigned in 1926 ;
5. Maulvi M. Rausan Ali, B.A., clerk grade I, Central Stationery Office, resigned in 1928 ;
6. Maulvi Farhad Husain, B.A., clerk, Controller of Purchase, resigned in July, 1928 ?

(*b*) Do the Government propose to increase the number of Moslems in the offices where the percentage of Moslems is already too small ?

The Honourable Mr. A. C. McWatters : The accepted policy of Government in the matter of the appointment of members of minority communities in public offices is being observed in the offices in question. As this policy does not involve the filling of every post vacated by a Muslim by a member of the same community, Government do not consider that any useful purpose would be served by collecting the information asked for in part (*a*) of the question.

MEMORIAL SUBMITTED BY THE CLERKS OF THE FOUR OFFICES IN CALCUTTA UNDER THE CONTROLLER OF PRINTING AND STATIONERY.

541. *Mr. **Anwar-ul-Azim** : (*a*) Will the Government be pleased to state whether the memorial that was under the consideration of the Head of the Department as stated by the Honourable Member in charge of the Industries and Labour in his reply to my starred question No. 72 (*e*), dated 1st February, 1928, has been submitted to the Government ?

(*b*) If the answer be in affirmative, will the Government be pleased to state what steps have been taken to remove the grievances of the memorialists ?

(*c*) If the answer be in the negative, will the Government be pleased to state how long the Head of the Department will take to submit the memorial to Government ?

The Honourable Mr. A. C. McWatters : (*a*) No.

(*b*) Does not arise.

(*c*) I am unable to say : but he has been asked to expedite its submission.

NUMBER OF POSTS SANCTIONED OR VACANT IN THE FOUR OFFICES IN CALCUTTA UNDER THE CONTROLLER OF PRINTING AND STATIONERY.

542. *Mr. **Anwar-ul-Azim** : Will the Government be pleased to state the number of posts sanctioned or fallen vacant in the various grades in 1928 up to this time in the four offices in Calcutta under the Controller of Printing and Stationery and state the number of posts filled up by Moslems?

The Honourable Mr. A. C. McWatters : The information desired by the Honourable Member is being obtained and will be communicated to him in due course.

NUMBER OF MUSLIMS EMPLOYED IN THE GOVERNMENT TEST HOUSE, ALIPORE ETC.

543. *Mr. **Anwar-ul-Azim** : (*a*) With reference to the reply to my starred question No. 70 (*b*), dated 1st February 1928, will the Government

be pleased to state the number of Musalmans in the Government Test House, Alipore, out of 57 superior posts and 33 inferior servants ?

(*b*) Will the Government be pleased to state whether the temporary clerks on fixed pay or on time-scale of pay are entitled to the privilege of casual and privilege leave and whether their past services are counted if they are subsequently confirmed in those posts ?

(*c*) If the answer be in the affirmative, why were the ten clerks who were appointed in the posts (of which 8 were on a fixed salary of Rs. 25 and 2 on Rs. 30—80) sanctioned by the Department of Industries and Labour for the Calcutta Press, with effect from 1st October 1921 from the apprentices who were already in the Calcutta Press, deprived of all the privileges mentioned in (*b*) above ?

The Honourable Mr. A. C. McWatters : (*a*) The number of Muslim staff employed at the Government Test House, Alipore, on the 1st September 1928, was as follows :—

Superior Staff	1
Inferior Servants	3

(*b*) Casual leave is not a recognised form of leave and is granted at the discretion of the head of an office. Government servants holding temporary posts are eligible for recognised leave when there is no extra expense to Government. If a temporary Government servant is, without interruption of duty, appointed substantively to a permanent post, his leave account is credited with the amount of leave which he would have earned by his previous duty if he had performed it while holding a permanent post substantively, and is debited with the amount of recognised leave actually taken while holding the temporary post.

(*c*) The information is being obtained and will be communicated to the Honourable Member in due course.

APPOINTMENT OF MUSLIMS AS CLERKS IN THE BRANCHES OF THE STATIONERY AND PRINTING DEPARTMENT IN CALCUTTA.

544. ***Mr. Anwar-ul-Azim** : (*a*) With reference to the reply to my starred question No. 72 (*a*), dated 1st February 1928, will the Honourable Member be pleased to state whether the preliminary examinations are conducted after notification in the local newspapers or after consulting the Assistant Director of Public Instruction for Muhammadan education, Bengal, to secure a sufficient number of qualified Muhammadan candidates ?

(*b*) If not, what is adopted in its stead ?

(*c*) Will the Honourable Member be pleased to state the number of Muhammadan candidates who came out successful in the preliminary examinations held in 1926 and 1927 and how many of them have been provided up till now ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). Applications are called for by public advertisement from candidates of all communities for appointment to the clerical posts in the Branches of the Stationery and Printing Department at Calcutta.

(*c*) Four in 1926 and 29 in 1927. Information regarding the number of successful Muslim candidates in 1926 and 1927, who have so far been provided with appointments, is being obtained and will be supplied to the Honourable Member separately.

APPOINTMENT OF MUSLIMS IN THE BRANCHES OF THE STATIONERY AND PRINTING DEPARTMENT IN CALCUTTA.

545. ***Mr. Anwar-ul-Azim** : (*a*) With reference to the reply to my starred question No. 414 (*a*), dated 25th August 1927, when the Honourable Member said that out of 113 vacancies only 27 were offered to Muslims of whom 6 did not accept, will the Government be pleased to state whether these posts were again offered to other Muslims ; if not, why ?

The Honourable Mr. A. C. McWatters : It is not obligatory to offer posts refused by members of any community to members of the same community ; but I shall ascertain if any of the six posts was offered to a Muslim and shall see that the Honourable Member is informed.

TELEGRAPHIC CONNECTION BETWEEN NOAKHALI AND HATIYA AND THE SANDWIP ISLANDS.

546. ***Mr. Anwar-ul-Azim** : (*a*) Is it a fact that there is no telegraphic connection between Noakhali and Hatiya and the Sandwip Islands ?

(*b*) Is it a fact that the Megna River which runs between the above places is difficult to cross in consequence of its swift course ?

(*c*) If the answers to (*a*) and (*b*) are in the affirmative, are Government aware that the inhabitants of the above Islands are put to inconvenience in regard to their communication with other parts of the country ?

(*d*) Are Government prepared to take necessary steps to establish telegraphic connection between the places in question.

Mr. P. G. Rogers : (*a*), (*b*) and (*c*). Yes.

(*d*) The matter is under consideration.

NUMBER OF MUSLIM AND HINDU POSTAL CLERKS AND SUB-POSTMASTERS EMPLOYED UNDER THE POSTMASTERS, PESHAWAR AND ABBOTTABAD.

547. ***Mr. Anwar-ul-Azim** : (1) Is it a fact that the Director General, Posts and Telegraphs, issued to his subordinate offices a general letter No. A.M.-516|12-27, dated the 22nd November 1927, on the subject of representation of minority communities and that these orders referred to fresh recruitment ?

(2) Will the Government be pleased to state the exact number of Muslim and Hindu postal clerks and sub-postmasters in the jurisdiction of the Postmasters, Peshawar and Abbottabad, on the 1st December 1927 ?

(3) Will the Government be pleased to state which of the two communities referred to in question 2 above was the minority community ?

(4) Will the Government be pleased to state the name of the postal clerks and probationers recruited there between the 1st December 1927 and the 31st July 1928 ?

(5) Will the Government be pleased to state whether the minority community was given its share according to the Director General's orders in the recruitment referred to in question (4) above and whether the third vacancy was given to a member of the minority community ?

(6) Will the Government be pleased to state what arrangements they propose to make to give a due proportion of communal representation in the Postal Department to Muslims forming 95 per cent. of the population in the North West Frontier Province ?

The Honourable Mr. A. C. McWatters : The facts are not quite as stated by the Honourable Member. The Director-General's letter referred to by him deals with the steps necessary for the prevention of the preponderance of any one class or community in the Department in his charge. The instructions are confined to cases of fresh recruitment.

Information on the other parts of the question is being collected and will be supplied to the Honourable Member in due course.

Mr. M. S. Aney : May I ask if Government is in any way committed to the principle of reservation of posts for majority communities on a population basis ?

The Honourable Mr. A. C. McWatters : Will the Honourable Member kindly repeat his question ? I did not hear it.

Mr. M. S. Aney : Is Government in any way committed to the principle of reservation of posts even for majority communities on a population basis as clause 6 of the question seems to suggest ?

Mr. K. Ahmed : That is a matter of opinion.

The Honourable Mr. A. C. McWatters : No, Sir.

RESTRICTION OF THE RECRUITMENT OF CLERKS IN THE POSTAL DEPARTMENT TO THE REVENUE DIVISION TO WHICH THE CANDIDATES PERMANENTLY BELONG.

548. ***Mr. Anwar-ul-Azim** : (1) With reference to the Director General's reply to question No. 38 of the last Delhi Session, will the Government be pleased to state whether recruitment of clerks in the Postal Department is restricted to the Revenue Division to which the candidates permanently belong ?

(2) Is it a fact that Amir Chand, a candidate in the Ludhiana Division, referred in the reply to question No. 38, was removed because he did not belong to the Revenue Division in which employed ?

(3) Is it a fact that Sohan Lal, a candidate, now reserve clerk, Peshawar, son of Mool Chand, retired draftsman of the Archæological Department, and a permanent resident of Roorkee (Saharanpur), was taken in by the Postmaster, Peshawar, in the Peshawar head office ?

(4) Will the Government be pleased to state what the permanent residence of Mr. Mool Chand, father of Sohan Lall, is ?

(5) If Sohan Lal does not belong to the North West Frontier Revenue Division, do Government propose to take action similar to that taken in the case of Amir Chand referred to in question 2 above and direct the Postmaster, Peshawar, not to violate orders in this behalf ?

Mr. P. G. Rogers : (1) Yes, that is the policy ordinarily followed.

Information regarding the other parts of the question is being collected and will be supplied to the Honourable Member in due course.

MEMBERSHIP OF POLITICAL ASSOCIATIONS BY GOVERNMENT SERVANTS.

549. ***Mr. Anwar-ul-Azim** : (1) Will the Government be pleased to state if the Revenue Commissioner, North-West Frontier Province, received a communication, dated the 29th May 1928, from Samundar Khan, Secretary of a Muslim Association, Peshawar Cantonment ?

(2) Is it a fact that the said communication contained proceedings of a meeting of the said Association, dated the 27th May 1928 ?

(3) Is it a fact that no Government servant can hold office of a political association according to the Government Servants' Conduct Rules ?

(4) Will the Government be pleased to ascertain and intimate whether Kanshi Ram, a clerk of the Peshawar Post Office, is the Secretary of the local Arya Samaj and whether Jewan Lall, another clerk, is associated with the local Hindu Sabha, and if so, do they propose to take suitable action in the matter ?

Sir Denys Bray : (1), (2) and (3). Yes, Sir.

(4) I understand that Kanshi Ram is not the Secretary of the local Arya Samaj. Jewan Lall is associated, but not closely, with the local Hindu Sabha, which is a non-political body. Government do not propose to take any action in the matter.

ALLEGATIONS AGAINST NAND LAL KHERA, A CLERK OF THE POST OFFICE, PESHAWAR.

550. ***Mr. Anwar-ul-Azim** : (1) Is it a fact that Nand Lal Khera, a clerk of the Peshawar Post Office, was involved in a case of loss of an insured letter on account of his being alleged to have written a letter containing information about the offender ?

(2) Is it a fact that the said Nand Lall took leave on the plea of sickness and conducted the case against him in a court at Mianwali ?

(3) Is it a fact that the said Nand Lall was convicted by the lower court and then the information reached the Postmaster, Peshawar, who placed him under suspension ?

(4) Is it a fact that the said official was acquitted by the appellate court and the Postmaster reinstated him in his post ?

(5) Will the Government be pleased to state if the particulars of the case, the suspension of the official and his reinstatement, were reported by the Postmaster, Peshawar, to the Postmaster General, Punjab and North-West Frontier Circle ; and if not, why not ?

(6) Was the Postmaster, Peshawar, competent to reinstate the official ?

The Honourable Mr. A. C. McWatters : Government have no information.

The Revd. J. C. Chatterjee : Will you kindly permit me, Sir, to put my question ? I was unavoidably absent at the time my question was called.

(Mr. President signified assent.)

RETENTION BY OFFICERS OF THE INDIAN TERRITORIAL FORCE OF THEIR HONORARY RANK AFTER RETIREMENT, ETC.

523. *The Revd. J. C. Chatterjee : (*a*) Will Government be pleased to give an assurance that the provisions contained in the Indian Territorial Bill as passed during the last Delhi Session will be given effect to in time for the next training camps for the Indian Territorial Force, to be held in January and February 1929 ?

(*b*) Will Government be pleased to state if they will permit officers of the Indian Territorial Force at present holding Honorary King's Commissions to retain their honorary rank, if they decide to resign from the Force, consequent on the application of the new rules ?

(*c*) Are Government prepared to equalise, as far as possible, the status of officers in the Territorial Forces with that of the officers in the Army in India Reserve of Officers, by granting to the former privileges similar to those enjoyed by the latter in regard to retaining fees, travelling allowances, equipment, etc. ?

(*d*) In view of the fact that under the provisions of the new Bill a retaining fee is to be paid to the non-commissioned officers and sepoys of the Indian Territorial Forces, do Government propose to consider the desirability of the payment of a bonus to those non-commissioned officers and sepoys who have completed six years or more of service in the Indian Territorial Forces under the old system ?

Mr. G. M. Young : (*a*) Yes.

(*b*) Officers holding Honorary King's Commissions will be permitted to retain their honorary rank if they continue to serve. Retention of rank after retirement is not ordinarily permitted unless an officer has had 15 years' service.

(*c*) No, Sir. The officers of the Territorial Force and of the Auxiliary Force (India) on the one hand serve under conditions entirely different from those of officers of the Army in India Reserve of Officers on the other. The conditions of service of officers of the Indian Territorial Force and the Auxiliary Force (India) have, however, been assimilated as far as possible.

(*d*) The Honourable Member is misinformed. The new Bill makes no provision for a retaining fee, and the remaining part of the question does not therefore arise.

QUESTIONS NOT PUT OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

REFUSAL OF THE AGENT TO GRANT CARD PASSES TO THE OFFICE-BEARERS OF THE EAST INDIAN RAILWAY UNION AT MORADABAD.

520. *Lieutenant-Colonel H. A. J. Gidney : (1) Is it a fact that the Agent, East Indian Railway, has refused :

(*a*) to grant card passes to the office-bearers of the East Indian Railway Union, Moradabad ;

(*b*) to grant special casual leave and passes to members of the Union attending its meetings ; and

(*c*) to publish the fact of his recognition of the Union in the East Indian Railway Weekly Gazette and to supply the Union with a copy of the Gazette ?

(2) Do Government propose to take the necessary steps to remedy this defect ?

Mr. A. A. L. Parsons : (1) (*a*) Card or other passes are not granted to the office-bearers of this or other Unions on the East Indian Railway who are not railway employees.

(*b*) Members of Unions who are railway employees are allowed any leave or passes they may be entitled to by the terms of their railway service, but no special leave or passes are allowed.

(*c*) I understand that no statement of relations of the Agent with this Union has been published in the East Indian Railway Weekly Gazette, which is purely a railway publication containing working instructions. For the same reason a copy of this Gazette is not supplied either to the Union or to any outside body.

(2) No. The action of the Agent with regard to leave and passes is in accordance with the policy of Government.

DEPLORABLE CONDITION OF THE QUARTERS OF THE INDIAN STAFF OF THE OUDH AND ROHILKHAND SECTION OF THE EAST INDIAN RAILWAY.

521. *Lieutenant-Colonel H. A. J. Gidney : (*a*) Are Government aware of

(1) the deplorable condition of the quarters of the Indian staff of the Oudh and Rohilkhand Railway section ;

(2) the consequent loss of property to the staff ;

(3) the want of repairs to these quarters ; and

(4) the repeated representations made by these employees ?

(*b*) Do Government propose to take early steps to remedy this condition ?

Mr. A. A. L. Parsons : No report to this effect has been received by the Railway Board, but they are sending a copy of the Honourable Member's question to the Agent, East Indian Railway, in order that he may consider whether any action is necessary.

UNSTARRED QUESTIONS AND ANSWERS.

ALLEGATIONS AGAINST RAILWAY OFFICIALS IN CONNECTION WITH THE ACCIDENT BETWEEN HAYAGHAT AND KISHUNPUR ON THE BENGAL AND NORTH WESTERN RAILWAY.

347. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) In view of the serious allegations made against certain railway officers in connection with the railway accident between Hayaghat and Kishunpur on the Bengal and North-Western Railway (*vide* question No. 101 and Government reply in the Bihar and Orissa Legislative Council on the 9th March 1928), will Government please state if the allegations made in clauses (*c*), (*d*), (*e*), (*f*) and (*g*) are true ?

(*b*) If true, wholly or partially, will Government please state if they have taken or propose to take action against the offending railway officers ?

Mr. A. A. L. Parsons : (*a*) The answer is in the negative but the evacuation of the wounded might have been done more efficiently.

(*b*) The Honourable Member is referred to the answer given to part (*d*) of question No. 168 asked by Mr. Gaya Prasad Singh in this Assembly on the 4th September 1928. Government do not propose to take any other action.

ABOLITION OF THE EXPORT DUTY ON RAW HIDES.

348. **Mr. Muhammad Rafique** : Will the Government be pleased to supply information on the following points :

(*a*) If replies in connection with the proposed abolition of the duty on the export of raw hides, to which reference was made by the Honourable Member (Commerce) in his speech at the last Session while speaking on the export duty, have been received from the Governments of Bengal and the Punjab ?

(*b*) Have Government appointed an *ad-hoc* Committee to consider this question ? If so, who are the members ?

(*c*) If the Committee is not appointed, when do the Government propose to appoint the Committee ?

(*d*) Do Government propose to give effect to the recommendations of the Committee in the next year's Budget ?

(*e*) Will the Government lay on the table copies of the letters received from the Provincial Governments in this connection ?

The Honourable Sir George Rainy : (*a*) and (*e*). Copies of the replies received will be placed in the Library.

(*b*), (*c*) and (*d*). The position of Government will be explained when the Honourable Member moves his Resolution on the subject on the 18th instant.

GRIEVANCES OF THE CLERKS AND PODDARS OF THE CALCUTTA CURRENCY OFFICE.

349. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to the grievances of the Calcutta currency clerks and poddars published in the *Hitabadi* of the 29th June 1928 and 3rd August 1928, the *Forward* of the 24th May 1928, 21st July 1928 and 27th July 1928, and the *Amrita Bazar Patrika* of the 17th July 1928 and 1st August 1928 ?

(*b*) Have Government made any enquiry into the various grievances referred to therein ?

(*c*) If so, will the Government be pleased to lay on the table the result of such enquiry ?

(*d*) If not, do Government propose to enquire into the grievances of the poddars and clerks of the Calcutta Currency Office and arrange for such redress as Government deems fit and proper ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). Yes.

(*c*) and (*d*). The grievances relate to the following matters :

(*i*) recovery of leave allowances paid some years ago ;

(*ii*) reduction of establishment ; and

(*iii*) an incident in the Coin Section of the Currency Office.

As regards (*i*), Government have decided to waive recovery from the individuals to whom excess payments were made. With regard to (*ii*), the position is that, as work had fallen off in certain directions, the sanctioned staff had to be redistributed. The position regarding (*iii*) is explained in the letter from the Controller of the Currency to the Labour Intelligence Officer, Bengal, dated the 15th August 1928, a copy of which I will give to the Honourable Member. Things have quietened down and work is proceeding smoothly as usual.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House) : Sir, with your permission, I should like to make a statement of the probable course of business during the next week. Much depends on the progress made to-morrow with the debate on the Public Safety Bill. On yesterday's list, seven Bills were placed below the Public Safety Bill and these Bills have already been placed on to-morrow's list. Any business on to-morrow's list which is not completed on that day will be taken up on Monday, and if not completed will be taken on Wednesday of next week. In addition to these Bills it is hoped to make progress with the Trade Disputes Bill, on which a motion will be made for the appointment of a Select Committee, with the Dangerous Drugs Bill, on which a motion will be made for circulation, and on the Workmen's Compensation (Amendment) Bill, on which a motion will also be made for circulation. It is also expected to introduce a Bill to amend the Patents and Designs Act. The Insurance Bill, as reported by the Select Committee, will be ready for the consideration motion, which will probably be moved on Wednesday, the 19th.

In addition, supplementary estimates will be put down for Wednesday, the 19th, and notice has also been given for the election of a fresh panel from whom members will be nominated to serve on the Standing Committee to advise on the subjects dealt with in the Department of Commerce. A motion for that purpose will be put down for Wednesday, the 19th. There is a further motion to appoint a Committee to review the separation of railway finance.

THE RESERVATION OF THE COASTAL TRAFFIC OF INDIA BILL.

Mr. President : The House will now proceed to the legislative business. The first business is the motion that Mr. Sarabhai Nemchand Haji's Bill to reserve the coastal traffic of India to Indian vessels be referred to a Select Committee. I am grateful to the European Group in this House for giving me notice that they propose, at the last stage when the Bill is about to be passed and when the final motion is made, to raise a point of order that this Bill is *ultra vires* of this Legislature.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : Sir, I beg to move that the Bill to reserve the Coastal Traffic of India to Indian vessels be referred to a Select Committee consisting of Pandit Motilal Nehru, Mr. Jamnadas M. Mehta, Mr. R. K. Shanmukham Chetty, Mr. Satyendra Chandra Mitra, Maulvi Muhammad Shafee, U. Tok Kyi, Lala Lajpat Rai, Pandit Madan Mohan Malaviya, Mr. Ghanshyam Das Birla, Mr. K. C. Neogy, Mr. M. S. Aney, Sir Purshotamdas Thakurdas, Mr. Abdul Matin Chaudhury, Nawab Sir Zulfiqar Ali Khan, Nawab Sir Sahibzada Abdul Qaiyum, Sir James Simpson, and the Mover, with instructions to report on or before the 10th February, 1929, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six.

Sir, in moving this motion, I speak, and I hope not without justification, with the fullest confidence that this motion will be passed by this House. What is this motion ? It is the logical and inevitable step which follows from the motion which this House passed last Session at Delhi when it allowed the Bill to go forward for the purpose of eliciting public opinion thereon. It is no doubt true that the Government could say at this stage that though they received opinions, yet they did not want to examine them at all. I hope the Government will not adopt that course.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : What are the reasons for that attitude of Government ?

Mr. Sarabhai Nemchand Haji : You will presently know the reasons when the Honourable the Commerce Member speaks on the subject. The other course open to us is to go forward with the motion that I have placed before the House and to take the Bill on to the Select Committee, where all these opinions that we have received—over 100 in number—would be sifted, examined and analysed in order that the Bill may be perfected. This, Sir, is a motion which I do not see how it would become any one in this House to oppose, especially after fact that in the Delhi Session we invited the opinions of public associations and organisations and of the different Local Governments on the matter. How is it possible for Government now to say that this motion should not be made ? The Honourable Sir George Rainy said in the Delhi Session that the Government hoped that the Local Governments would examine this Bill from the point of view of their coastal trade. Having invited the Local Governments to put before the Central Government and before the public their views on the reservation of coastal traffic, how is it possible, I ask, for Government to oppose this motion for the reference of the Bill to a Select Committee ?

Sir, so far as the question of coastal reservation is concerned, it has been one which has been before the House and the country at large for a very long number of years, particularly since the formation of the new Legislatures. It was in the very first Assembly, Sir, that Sir P. S. Sivaswamy Aiyer, who as we are all aware was a tower of strength to the non-official Benches during the period that he was a Member in this House and whose great interest in this matter of an Indian Mercantile Marine—I take this opportunity to acknowledge with thanks—moved a Resolution that a Committee should be appointed by the Government of India to consider the various means by which the Indian mercantile marine could be developed. Among the terms of reference was this question of coastal reservation. This Committee, Sir, I should like to draw the attention of the House, was not one selected by us, but it was a Committee nominated by

Government themselves. It was a Committee on which I certainly admit that the Government tried to make as fair nominations as they possibly could. But, Sir, it appears that they are now sorry that the nomination of members on that Committee was, unlike the other Committees, a fair one, because, Sir, the treatment they have meted out to this Committee and its report is—I would not use a stronger word—scandalous. The personnel of this Committee was one of the best that the Government could secure. It was presided over by Captain (now Sir) Edward Headlam, Director of the Royal Indian Marine, and an expert on the subject of mercantile marine. Sir John Byles was specially called for from London in his capacity as a naval architect and special nautical adviser to the India Office. The British vested interests in the world of shipping were very skilfully represented on that Committee by Sir Arthur Froom. So far as Indian interests were concerned, I gladly acknowledge that the very best men from our public and commercial life were taken. We had Mr. (now Sir) Lalubhai Samaldas, Mr. Jadu Nath Roy to represent commercial interests, and last but not the least Diwan Bahadur T. Rangachariar, to represent the Central Legislature. So splendid being the composition of this Committee and as I will presently show so fair being their report, did it become the Government of India to take months and months before they examined the decisions and challenged the recommendations of this Committee ? So far as I remember, Sir, not even an ordinary " thank you " was vouchsafed to this Committee. Why is it so ? What was the crime, what was the offence committed by this Committee ? The crime was that they recommended the reservation of the coastal traffic of India for Indian vessels, in order that the Indian mercantile marine might be developed. That much, Sir, with regard to the composition of the Committee and the mean treatment which has been meted out to the report of the Committee by the Government of India. Sir, as I said before, the personnel of the Committee was one which inspired confidence and, so far as British interests are concerned, they were very well represented by Sir Arthur Froom.

Mr. President : The Honourable Member must not repeat himself.

Mr. Sarabhai Nemchand Haji : No, Sir, except where I think it leads to emphasis. The personnel of this Committee was very satisfactory. The work of this Committee also was very satisfactory. This Committee examined a large number of witnesses and in all the Indian ports they toured they had the benefit of a strong body of expert advice of Captain Sir Edward Headlam, Sir John Byles and the commercial opinion of Indians and Europeans as represented by the other members. This being so, I feel, Sir, that the attempts that have been made in this House particularly to belittle the achievement of this Committee deserve and call for very strong protest. It has been said in this House by no less a Member than the late Commerce Member of the Government of India that this Committee did not examine the economic effects of their recommendations as regards reservation of the coastal traffic for Indian vessels. Just think of it, Sir. A Committee with three business men and even Sir John Byles is a bit of a business man, as I happen to know him, these three business men, it is said, did not know their business. The scores of Indian associations that put their views before this Committee did not know their business. The Indian commercial Chambers did not know their business. They did not know what they wanted when they came and told the Committee that they wanted coastal reservation for their benefit. The shippers of India

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did not know what they wanted when they told the Committee that reservation was the only method by which any genuine attempt to develop the mercantile marine could be made. The representatives of Indian States and the representatives of consumers, all these have asked for coastal reservation. How does it behove the Government of India to say that the country has not been brought in touch with the economic questions involved in the problem of coastal reservation ? It seems to me, Sir, that this economic question or rather the argument that the economic question was not properly examined by the Committee is merely brought in by the Government to justify the inexcusable delay they made in giving expression to their own opinion on the coastal reservation principle as recommended by the Committee. The Committee reported in 1924 and the country was not made aware of the opinions of the Government of India on those recommendations until 1926. I do not believe that two years and more are required to study the recommendations of the Committee. The House is aware that, when it suits the Government, they expedite the enactment of legislation based on recommendations of Committees. As regards the recommendations of a number of Committees, the Government have expedited their legislation. But here of course the Committee had recommended a principle which is essentially in the interests of Indian shipping ; and because the Government of India stand there in their strong array to buttress British interests they sit tight on this report as long as they can. Then they came out with their arguments whose fallacies I will presently show.

Sir, the present motion affords an opportunity for all parties in this House to express a definite opinion on this subject. It has been said in the course of the many opinions that have been received on the Bill that there are associations and people who are in favour of the object of the Bill, but they do not seem to agree with the methods recommended by the Bill. But, Sir, these gentlemen have stopped short at that. If they had been really serious, if they had the interests of India at heart they would have said, " Do not follow the coastal reservation method : follow some other method which we suggest ". They could have elaborated their points. What have they done so far ? They have only said that this thing will not do and they have nothing better to suggest. That is what I find from the recorded opinions of those who have very equivocally supported the objects of the Bill for developing the Indian mercantile marine but opposed the methods recommended by the Bill. After all, Sir, the Bill seeks, and I think rightly, to try and develop Indian shipping in a manner by which the economic interests of the whole country will be served. (*An Honourable Member* : " Question ? ") The question always emanates from people who are here to conserve foreign interests, who are here to conserve, or as our learned leader, Lala Lajpat Rai, pointed out yesterday, to exploit and to get the best out of the economic life-blood of this country, to fatten and grow rich at our cost, and when we make a most modest demand, to come out here and stand here like sticks in the mud which would not allow any progress to be made. Sir, this motion is an acid test, particularly with regard to those who pretend to have some solicitude for our economic welfare and yet are intent upon conserving their own interests. After this motion is moved, it will not do with any honesty to say that you approve of the desire often expressed to develop Indian shipping but you regret you cannot approve of this

measure. Why, Sir ? Because the whole country, the whole of Indian India is supporting the principle underlying the Bill and it is this principle underlying the Bill which is being opposed tooth and nail by the foreign exploiters of this country and by the Government behind whom they are entrenched. This motion provides an opportunity for those gentlemen who want to vindicate their faith and their honesty in this matter to do so by supporting the motion, because as I said before, what does this motion seek ? Merely to sift, to analyse and examine and thereby to improve where necessary the Bill before us. It will not do for any one to oppose this motion and say that he very much appreciates and is looking forward to the day when India will have a mercantile marine worthy of her greatness in the past. No, Sir. We do not any longer want any platitudes and praises regarding our past. We have had plenty of it before. Sir, that reminds me of a learned man who once said that when Englishmen or rather Britishers in Dominions and in Colonies hark back to the ancient days of glory of the Dominion and of the colony, all that they intend is that the nationals of that Colony or Dominion should continue to look back to the past while the admiring gentlemen are very busy filling their pockets in the present. We do not want any such tactics being continued to be adopted in this country. Let us have it frankly stated here that they are opposed to the whole idea of the development of an Indian mercantile marine. Let them say that Britain serves India so well, that British ships serve India so well, that they do not think it in the economic interests of India to attempt to develop an Indian mercantile marine. If they say so, then we know where they stand and where we stand. But if they propose to say nice things about us and also express very fine hopes with regard to our future, I think it is up to them, in order to show their honesty of purpose, that they should allow this motion to go through and take, whatever steps they propose to, at the consideration stage of the Bill. Sir, it is because we on this side of the House have nothing to fear from the very thorough examination to which the Bill will be subjected in the Select Committee that I have made this motion. Am I to understand that the critics of the Bill feel that they are so weak, that their cause is weak that they are afraid of the analysis of facts and arguments that will take place in the Select Committee ? Is it because in your heart of hearts you know that you have no case that you are afraid to come forward and to support this motion ? If it is not I fail to see any proper ground, particularly after this House has invited the opinions of the whole of the Indian public and the opinions of the European public, after having got the opinions from so many Governments, so many associations and so many individuals on this Bill, for the House to say that we do not want to look at these opinions, because, Sir, as we all know, those opinions can only be seriously considered in the calm atmosphere of the Select Committee. But, Sir, this is an issue on which the opponents of the Bill might prefer to show their strength, to show the great strength that they are given by the Government of India, at some of the later stages of the Bill. For example, I find that in the organ of British capitalistic interests entrenched in this country, the *Capital* of Calcutta, the writer who is well known under the name of " Ditcher " says.....

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Who is " Ditcher " ?

Mr. Sarabhai Nemchand Haji : I do not know but I am surprised hat Sir Victor Sassoon does not know who the writer in the *Capital* is. who writes under the name of " Ditcher ".

Sir Victor Sassoon : Who is he ?

Mr. Sarabhai Nemchand Haji : I do not know who he is, but ' Ditcher " is his *nom de plume.*

Sir, this is what " Ditcher " writes in the *Capital* :

" Mr. Haji returns to the charge this week, as confident as ever, that his essay n legislation is equitable, businesslike and advantageous in the economic interests of this country. The brutal truth is that on such an issue argument is subordinate to power. The Legislative Assembly may pass Mr. Haji's Bill, but it is highly improbable that it will reach the Statute-book unless and until India attains Dominion status."

This outspoken and flagrant confession gives us a thorough idea of the mentality of the gentlemen opposite who oppose even the very modest motion that I have made upon the very modest measure to develop the participation of Indian owned ships in the coastal trade. But it is no doubt possible for the Honourable the Commerce Member to show himself a " Ditcher " in Simla. It is possible for him to repeat—I hope he will not—that argument is subordinate to power, but if he does so, if he, in the interests of the British commercial community in this country, tries to oppose this motion on the ground that sacred rights of property are threatened, that he owes a duty to the people that have put so much capital in this country, I ask him, does he not owe an equal duty, and even a greater one, to the people of this country ? Is he here to safeguard their interests or to develop ours ? Sir, I do not know what attitude the Honourable the Commerce Member is going to adopt in regard to this motion, but, Sir, if he becomes a rank partisan, and if he also makes out that argument is subordinate to power, I should like him to remember that when power is misused, and misused unendingly, as it has been for the last several years, with regard to shipping, even the proverbial worm will turn, and the country will doubtless rise against such an attitude of the Government of India.

Some of the principal issues in connection with the Bill, I will take your leave now to examine, before I put the motion standing in my name. So far as the general question of the development of an Indian mercantile marine is concerned, we have the opinion of Sir Charles Innes that :

" we recognise that it is perfectly legitimate, perfectly natural, that the people of India should desire to have a mercantile marine of their own."

This being so, I do not see how it is possible for any one to shut the door against an examination of one of the measures by which this perfectly legitimate, this perfectly natural, desire may be met in due course. Before I proceed any further, Sir, I would draw the attention of the House to one of the points which at one time was made as regards the competence of this House to embark upon a legislative measure of this character. It was stated that it was not possible for the Legislative Assmbly to pass a Bill of this character because it contravenes the relative clauses of the British Merchant Shipping Act. But, Sir, that argument will no longer hold water, and I must say that, so far as the Government Benches are concerned, they have very rightly and properly not attached any weight to it, because they know, though it is not so well known outside, that when my friend Mr. Neogy about three years ago sought to introduce this very Bill in the last Assembly.....

Mr. President : The point of order will be raised at the proper time by the European group in this House and it is not necessary for the Honourable Member to go into that question at all at this stage.

Mr. Sarabhai Nemchand Haji : Sir, the reason why I allude to this point is this, that in my opinion it is not open to any Member of this House or to any people outside the House to challenge the competence of this House.

Mr. President : Order, order. I have already informed the Honourable Member and the House that I will give the fullest opportunity to them to discuss this point when it will be formally raised, and I would again ask the Honourable Member not to refer to it at this stage.

Mr. Sarabhai Nemchand Haji : Very well, Sir. If the opinion of the Law Officers of the Crown as available to us is to be challenged I will give my reply on the appropriate occasion.

I will leave that point now, Sir, and I will proceed to the point that this Bill is confiscatory in character, that this Bill seeks the expropriation of existing interests and the spoliation—I suppose they would say—of their property. Sir, this question of confiscation and expropriation in this connection has a very interesting history. This question of coastal reservation, as I said before, has been before the House and the country for the last six years in a certain definite form and no one raised this question of confiscation or expropriation either here or in the country or in the evidence before the Mercantile Marine Committee itself. The Mercantile Marine Committee itself did not raise this issue. The Honourable Sir Arthur Froom who, as I said before, was on this Committee on behalf of British interests did not raise this issue. Sir, this false issue was raised in this House, I am sorry to say, by the late Commerce Member of the Government of India when he took advantage of the absence from this House of a large majority of the elected Members on a constitutional issue and launched against the recommendations of the Mercantile Marine Committee an attack which was as baseless as it was unworthy of a Member of Government. Sir, with regard to that speech you will doubtless re-call the circumstances. The motion moved by Sir Sivaswamy Aiyer was that the recommendations of the Mercantile Marine Committee be accepted. You, Sir, moved that the motion of Sir Sivaswamy Aiyer was full of controversial points. At that time, Sir Charles Innes was anxious to go ahead with the scheme of nautical training, and it was understood by all parties in this House that nautical training was the issue before the House. It was the only issue that was put at the end of the discussion before the House ; but taking advantage of the fact that there were not enough gentlemen on the elected Benches of this House at that time, the late Commerce Member launched a very undignified attack upon the recommendations of this very competent Committee. And, Sir, the only ground on which he could sustain such an artificial structure of opposition was to talk big about this principle of property and expropriation.

Sir, so far as this question of expropriation is concerned, I should like to draw the attention of this House to the definition of that word. " Expropriation " has been defined as the " act of dispossessing the owner either wholly or to a limited extent of his property or proprietary rights ". What, Sir, is now " property " ? Property, according to the

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New Oxford Dictionary—and I am sure there is no more competent authority with regard to the English language ; I hope the Commerce Member will also accept that definition of property which I am going to give now—" property ", Sir, is defined as " the condition of being owned by or belonging to some person or persons, hence the owning of a thing, the holding of something as one's own ; the right, specially the exculsive right, to the possession, use or disposal of anything, usually of a tangible material ; ownership ; proprietorship ". (*An Honourable Member of the European Group* : " What about good will ? "). Sir, I have laid all my cards on the table. I have given you the full definitions of these words. I do not, like some of my Honourable friends, indulge in a half truth here and a half truth there. Good will in connection with British shipping in India is nothing but the crippling of Indian interests. Good will ! Sir, when during the last few decades of their monopoly of the coastal trade of this country they did not entertain a single Indian even as an apprentice upon their steamers. Good will ! indeed, Sir, when these British companies agreed only under pressure to take a few apprentices as occasion arose. Good will ! with regard to a shipping company whose representative said before the East Indian section of the London Chamber of Commerce that so far as the appointment of Indians on ships is concerned, so far as the employment of " Dufferin " cadets, for whom this country has spent so many lakhs of rupees is concerned, they must look to Indian companies for such employment. Good will ! to people who have bled India white and who have not disguised their dislike of Indians because of their colour.....

Sir Victor Sassoon : Will the Honourable Member now define the business term " good will " ?

Mr. Sarabhai Nemchand Haji : I am not of that confederacy to which my Honourable friend belongs. Even in this matter there is such a thing as morality. Anyway I have had my say in connection with this point of good will. I can give example after example to show that racial discrimination of a most poisonous kind was exercised against the employment of Indians and the development of Indian shipping in the coastal trade of India. But, Sir, to go back to our definition, if you are going to make out that this Bill will lead to expropriation you have to prove three things. You have to prove first of all that the Bill proposes to dispossess ; secondly, Sir, that it is dispossession of property ; and thirdly, Sir, that it is property which was rightly obtained. I am prepared to agree that for practical purposes this Bill will take away by degrees from the present interests their participation in the coastal trade of India. But the withdrawal of that participation which the Bill proposes is not confiscation. We do not propose that their ships should be confiscated to the State though I should very much like to do so in view of their history. Sir, most of you are, I dare say, aware of the ancient system in criminal law whereby the instrument of murder was forfeited to the State. Sir, these British ships are the instruments by which Indian ships have been strangled, and it would be in the fitness of things if the Government of India would see their way even to confiscate their ships. But, Sir, what I propose is a much milder thing. What I propose is that the participation of these ships should be gradually diminished until we have 100 per cent. Indianisation of the ships plying along the Indian coast.

I have yet to know that participation in a trade becomes the inherent right of the person participating in the trade. As I said before, participation in a trade is not a tangible material thing. It is intangible. It is under the control of the policy protective or otherwise, which the particular country might choose to adopt and it is not proper for gentlemen on the opposite side of this House to raise this issue of expropriation in this connection, because, Sir.....

Mr. M. S. Aney (Berar Representative) : No prescription.

Mr. Sarabhai Nemchand Haji : I am glad my Honourable friend Mr. Aney has mentioned prescription. Sir, the foreigners, whether Britishers or others, can have with regard to the coastal trade no property or prescriptive right because, both according to international law and Imperial legislation on the subject, the coastal trade of India is a domestic preserve of this country and it is within the competence of this Legislature to pass any measures to regulate the coastal trade in any way it chooses, and even the Government of England cannot debar this House from doing so. Probably the gentlemen on the opposite side of the House are enamoured of themselves as owners of property in connection with ships on the coastal trade. I am reminded, Sir, of another kind of owners. Their position in this connection is that of usurpers, usurpers who taking advantage of the political conditions prevailing in this country prevented Indians from getting any foothold in this shipping business, usurpers who have done a lot of harm to this country, people careful only of their own interests, people who have given a wholly false bias, if I may say so, to the economies of the coastal trade of this country. We find, Sir, that the coastal trade of India to-day is concentrated in about 7 major ports. These foreign shipping companies, times without number, have adopted various means by which the proper economic methods of transport adopted to the requirements of the coastal trade have not been allowed to operate. It is, I hope the House will easily understand, to the benefit of large shipping companies to employ, in the trade, large-sized vessels which call at a few ports, because, under those conditions they make the highest profits. The reason why I oppose any further continuance of the present system in the coastal trade is, among others, that, as I said before, under the monopolistic auspices prevailing to-day smaller ships have been prevented from coming into existence. As soon as a small company comes into existence, a rate war is immediately put into operation by the foreign monopolists, and the small Indian shipowner is forced to lose a large sum of money and the small shipowner retires and then the big company continues to make its enormous profits as of old.

Mr. K. Ahmed : Why don't you buy large ships ? " Jalabala ", " Jaladuta ", etc., will not do.

Mr. Sarabhai Nemchand Haji : I will examine all those subjects, my friend, in the Select Committee, and I hope that for that purpose you will vote with me.

An Honourable Member : You have not taken him in the Select Committee.

Mr. Sarabhai Nemchand Haji : Sir, before I finish this subject there is just one point I would like to touch upon and it is this ; if the word " expropriation " is going to be used in this connection, we have to remember the expropriation of Indians from this trade, if there is any

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property right about it, and not the expropriation of the British interests, because, as I said before, the coasting trade is a domestic preserve. No one outside has any right to come in our way if we suggest the method of coastal reservation or any other method by which the participation of Indian vessels in that trade can be encouraged.

Mr. K. Ahmed : Why don't you include this clause in the Public Safety Bill ?

Mr. Sarabhai Nemchand Haji : I will now come to a point upon which a good deal has been said, and mention of which, if I remember aright, has been made in the minority report of Sir Arthur Froom in the Report of the Mercantile Marine Committee. It is said, Sir, that British capital showed pioneer courage, sacrifice and enterprise when it set out to supply the tonnage necessary for the coastal trade. The claim, Sir, I maintain is fictitious. It is not true, as some Provincial Governments —I believe the Government of Bengal for example,—have attempted to make out that the Britishers have been our teachers in connection with this business of Indian shipping. I do not want to hark back to our hoary past. I will leave it to gentlemen opposite. I come to as recent a date as the first few years of the last century when, Sir, as I shall presently show, India was in a position to give points to Great Britain even with regard to shipping and shipbuilding.

Mr. K. Ahmed : Why do you buy your ships from England ?

Mr. Sarabhai Nemchand Haji : I am talking of 1811, Mr. Kabeer-ud-Din Ahmed. In 1811, a French traveller, F. Baltzar Soloyns wrote :

"In ancient times the Indians excelled in the art of constructing vessels, and the present Hindus can in this still offer models to Europe—so much so that the English attentive to everything which relates to naval architecture have borrowed from the Hindus many improvements which they have adopted with success to their own shipping."

Mr. K Ahmed : How is it that you don't get any Hindu seamen or lascars now ?

Mr. Sarabhai Nemchand Haji : This is not ancient history. This has reference to a period in our recent history before the British commercial interests allied with the political rulers of this country tried their best—I am sorry to say successfully—to put an end to this industry as well as to many other ancient industries as is familiar to all of you. Then, Sir :

"In 1802 the Admiralty ordered men-of-war for the King's Navy to be constructed at this spot (the Bombay Dockyard). They intended to have sent out an European builder, but the merits of Jamshetjee being made known to their lordships, they ordered him to continue as master-builder."

Sir, we were good master-builders, our ships used to navigate not only the coast of India but used to carry Indian produce to the distant corners of the world. We had men who could be officers and men who could be lascars. Under the British auspices during the last 70 years we have reached a stage when we can become only lascars and nothing better.

Colonel J. D. Crawford (Bengal : European) : Can you give us the percentage of Indian brigs ?

Mr. Sarabhai Nemchand Haji : Perhaps my Honourable friend, Colonel Crawford, can tell us.

Colonel J. D. Crawford : I asked for statistics of brigs.

Mr. Sarabhai Nemchand Haji : Let my Honourable friend put the question to the Honourable Member for Commerce. I may make it clear that this Bill is intended to bring about the development of steam vessels in the coastal trade of India. (*An Honourable Member* : "Oh !") That is the rule.

Sir Victor Sassoon : Where would you build these ships ?

Mr. Sarabhai Nemchand Haji : Had it not been for this complete uprooting of Indian shipbuilding talent, an example of which I have given you just now, we would have built those ships in the Bombay or Calcutta dockyards. Sir, does it redound to our Government's glory that our ships have to be built outside India ? Whose is the humiliation ? I do not see what is the point of my Honourable friend's remark over there, where shall we build the ships ? Even in England they build ships wherever they choose to do so, and if the Government were prepared and if the Honourable Member from Bombay were prepared to put crores of money I would like to have a shipbuilding yard, say, in Calcutta.

Sir Victor Sassoon : Why should I ?

Mr. Sarabhai Nemchand Haji : I thought you were an Indian.

Sir Victor Sassoon : I am not.

Mr. Sarabhai Nemchand Haji : As Lalaji says, it is good to have such an admission from my Honourable friend that he is not an Indian. No doubt, I have made it clear that I suggest a further participation of Indian steam vessels in the coastal trade of this country. But I will leave that point now, I will leave the things that were done in India even as late as 100 years ago. But before I have done with the argument that the British are pioneers, that they are our teachers, I would like to say that out of the total annual earnings exceeding Rs. 10 crores from the coastal trade, the British shipowners get a large share. Out of the Rs. 50 crores or thereabouts of ships' earnings from the overseas trade of India, the British companies—who have a lion's share of the trade—have their proper share, so that if these British gentlemen have carried on business for the last 50, 60 or 70 years it is not to oblige us. They have made more money than they would have been allowed to make anywhere else. Sir, the British companies are trying to stick to this coastal trade with vehemence because they know that, under the present protective conditions throughout the world, India is the only place where they can have an untrammelled monopoly. I do not want to go into details, but I will say this that though in theory our coastal trade is free to all nations, to-day the permanent British vested interests have succeeded in keeping the other foreigners out, even the prosperous European countries that can afford to lose money to cut into the coastal trade of India. With regard to Indians, they know quite well that we cannot put up very big capital, and no sooner are attempts made to start with small ships than the rate war is begun and Indian enterprise is got out of the way. Sir, the present monopoly prevents any ships but its own from plying in the coastal trade of India and thereby it inflicts a very great economic injury upon this country. (*Mr. K. Ahmed* : "The Scindia Company wants to monopolise all the Rs. 10 crores"). One more point, Sir. It has been said, and that has a slight reference to expropriation,—it has been said in the speech of Sir Charles Innes that under present trade conditions 40 per cent.

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of the coastal tonnage in the slack season has got to go out to other places in order to maintain their tonnage employed. I do not admit that either the facts or figures are correct, but taking the figures of Sir Charles Innes at their face value, if the British tonnage goes outside of India for six months in the year, why cannot they remain outside throughout the year ? If you can employ your ships outside for six months in the year, how is it proper for you to say that by this Bill the property in your ships will be confiscated ? You are welcome to trade anywhere else. But as I said before, it is not possible to go elsewhere and that is why they are trying their utmost to keep the coastal trade to themselves as long as they can. I need not dilate much further on the pretence made of serving the interests of India. As I said before, I do not think that the interests of India have been served, and it is no good for these gentlemen to come and say that they are here for the benefit of this country. Let them come forward and say,—and then we will consider the problem on its merits—that this is our stake and this is what we want. And I was hoping that this very modest measure would appeal to them because even after the coastal trade is reserved they have got for themselves practically the whole of the overseas trade for years to come, the earnings of which amount to Rs. 50 crores a year. What are your objections to giving India Rs. 10 crores and taking Rs. 50 crores for yourselves at least for sometime to come ? The fact of the matter is that this consideration for India is a pose, and it has been staged so often that it no longer deceives us. Therefore I hope that in the discussion of this Bill speakers against the motion will come to the fundamental point of their opposition. And that fundamental point is their self-interest. Let them acknowledge it publicly as they have not done so far. Give up the pretence of serving the needs of India, of looking forward to the prosperity of India and of serving the interests of the tax-payers and the consumers of India. If they honestly tell us that in consideration of their having been here for many years their petition should be properly considered by this House, I am sure the House will not turn a deaf ear to them. But we do not want to hear of this solicitude for us which we know is not genuine, which is hypocritical.

Mr. H. G. Cocke (Bombay : European) : Will the Honourable Member tell us something about solicitude for the consumers having regard to the probable future course of freights should this Bill become law ?

Mr. Sarabhai Nemchand Haji : I am glad the Honourable Leader of the European Group has raised this question of rates. I wanted to have it threshed out in the Select Committee but as it has been mentioned I will give a reply to it here and now. As I said before the coastal trade of this country is controlled by a monopoly. Have we ever known of a monopoly which has not kept rates at the highest possible level ? The gentlemen opposite are business men. They at least have no patriotism in business. Surely they have seen to it that while the monopoly lasts the rates are kept at a high level, and the rates have been really high. A large number of Indian witnesses before the Indian Mercantile Marine Committee stated that the present monopoly taxes them too much and they hoped that under the auspices of coastal reservation many Indian companies will be started which will give the suitable kind of tonnage

that is required for the trade of India. For example, on the western coast of India, the requirements of trade demand smaller ships, say of a tonnage of 2,000 or 3,000 tons. That is what the merchants on the Malabar coast require. Until recently the whole of that trade was served or abused by the monopolistic concerns bringing once a month or twice huge ships of, say, 7,000 or 8,000 tons, calling at one or two ports and forcing the merchants to bear all the expenses of having to transport the cargo from one small port to the larger port. That much with regard to the rates. The history with regard to these rates has been bad. Indian witnesses, and if I mistake not one or two European witnesses—I am not sure of this—complained that the rates were very high. I do not want to give figures now. The rates charged here have been very high compared with the rates charged elsewhere. That is a matter of detail which can be threshed out in the Select Committee. (*An Honourable Member* : " Are you going to fix maximum rates ? ") That again I shall leave to the Select Committee. I am prepared to examine the subject with you and lay before you the facts and figures that I have got. I shall, Sir, with your permission refer to this matter of rates once again. I should like to draw attention to the fact that at this very moment about 8 or 10 small sized Indian-owned ships have begun to participate in the trade of the western coast of India, by providing suitable tonnage, by providing adequate services. What has the British monopoly done ? For the last 8 weeks or so they have started a rate war which, unless stopped in time, will, I know, root out these two or three companies owning about 8 small vessels in the course of the next six months or less. That is my reply with regard to the fixation of rates. That is why we want that we should have by the method of license which I propose such a control over the coastal ships, that a rate war will be unimaginable in future. We want that this British monopoly should be ended, but we do not want that an Indian monopoly should take its place. Should the time arise when an Indian monopoly, equally selfish as the present one, comes into being, this House will know how to deal with that monopoly.

I will now come, Sir, to the opinions that have been expressed in connection with this Bill. The opinions to which I propose to draw the attention of this House are opinions from bodies which have a real stake in the country, not the sort of stake that encourages the stake holders to keep on talking of property when they are really exploiting us. The opinions are those of people with a real stake in the country, because they are people born of the land, people that cannot fritter away their monies elsewhere, people that cannot think of any other country but this one, not like the pseudo-patriots we have got over there (referring to the European Benches). When they talk of patriotism, they really mean the land of their birth and not the land where they are merely birds of passage. I should in theory not very much like to pay any attention to the vested interests but as a practical man, if they would put their whole case and tell us the pace which will be comfortable to them, we shall consider it. I have myself suggested that the coastal reservation be completed in five years. Sir, in other countries coastal reservation has been completely effected within 6 months of the passing of the necessary legislation, but I do want to pay due consideration to the interests that exist, and if those interests think that by opposing this modest measure they can secure their ends, I can assure them that they

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are very much mistaken. With regard to this Bill, the only interests that matter are the interests of the people that have a real stake in this country, and I have got here a list of about 20 Indian Associations which have expressed their strong support of this Bill. Amongst them are the Indian Merchants' Chamber, the Native Share and Stock Brokers' Association, the Marwari Chamber of Commerce, and the Passengers' Traffic Relief Association of Bombay, the Ahmedabad Millowners Association, the Maharashtra Chamber of Commerce, the Southern Indian Chamber of Commerce, the Indian Chamber of Commerce of Tuticorin, the Madura Ramnad Chamber of Commerce, the Mysore Chamber of Commerce—I would particularly draw the attention of this House to this Chamber because it represents the Mercantile interests within an Indian State—the Bihar and Orissa Chamber of Commerce of Patna, the Bengal National Chamber of Commerce, the Indian Chamber of Commerce of Calcutta, the Indian Merchants' Association of Chittagong, the Burmese Chamber of Commerce, the Burma Indian Chamber of Commerce, the United Provinces Chamber of Cawnpore, the Buyers' and Shippers' Chamber of Karachi, and Sir, last but not the least, the Millowners' Association of Bombay.

Sir Victor Sassoon : Hear, hear.

Mr. Sarabhai Nemchand Haji : Sir, the Millowners' Association of Bombay, of which my Honourable friend, Sir Victor Sassoon, is the direct representative in this House, in their letter dated the 16th of August say :

"My Committee are generally in sympathy with the object underlying the Bill...."

Sir Victor Sassoon : Hear, hear.

Mr. Sarabhai Nemchand Haji : I am coming to the main thing :

"....which is to provide for the employment of Indian tonnage in the coastal traffic of India.. ."

Sir Victor Sassoon : Hear hear.

Mr. Sarabhai Nemchand Haji :

"They are unanimously of the opinion that as laid down in the Preamble to the Bill it is expedient to provide for the rapid development of an Indian mercantile marine."

Sir, we have their approval to the Preamble and the object of the Bill to which my Honourable friend said, "Hear, hear". But, Sir, they go further. They give their approval to the principle underlying the Bill. The opinion reads, Sir :

"I am directed further to add that while my Committee accept the principle underlying Mr. Haji's Bill, they do not propose to examine its provisions in detail."

Sir, if the Association of which my Honourable friend is a direct representative in this House approves of the principle underlying the Bill,—and that is exactly my motion,—I want him to approve of the principle of this Bill. (Applause).

Sir Victor Sassoon : "The principle underlying the Bill".

Mr. Sarabhai Nemchand Haji : He will not be faithful to his constituency if he votes against the motion that I am going to put before this House. (Applause).

Sir Victor Sassoon : "The principle underlying the Bill".

Mr. Sarabhai Nemchand Haji : Sir, I do not know what underlying and underhanding mean. (Laughter). Sir, I feel that he would not be playing fair with the members of his Committee if Sir Victor Sassoon, after this definite committal of his Association with regard to the principle of the Bill, opposes the motion that is before the House. Then his Association says, Sir, that they want the details examined very carefully by Government and the Indian Legislature in so far as the trade of this country is concerned. The Select Committee is just the place where to examine those details. Sir, this House will judge Sir Victor by his vote on this motion. (Applause). Sir, that much with regard to the Indian Associations that have expressed their views on this subject. I have particularly not mentioned the European Associations because we know that all of them are opposed to this Bill; and I shall not blame any one of the gentlemen opposite, except Sir Victor, if they vote against this motion, because the Chambers which the different Honourable gentlemen opposite represent definitely say that they are opposed to the whole thing tooth and nail. Therefore, even in the Opposition Lobby, I would welcome them, but the voting of Sir Victor in that Lobby would be a betrayal of his constituency. (Hear, hear).

Sir, now that I have come to the opinions of the opponents of the Bill, I am glad that it is bringing me towards the end of my remarks; I am glad that so far as the opponents of this Bill are concerned, most of the statements are of a similar character, Sir, the Indian Chambers examined the subject from different points of view, the Passengers Association, for example, state how the present-day humiliation sustained by Indians travelling as passengers on these foreign-owned ships would be obviated under national ownership and management, and, Sir, the conditions under which the deck passengers travel are well-known. They are so bad that time after time Government have appointed Committees to examine the conditions under which these people have to travel. That is why the Passengers' Association is looking forward to the day when the foreigners' participation in the coastal traffic of India will have gone from this country and made room for ships which will treat Indian passengers as decent human beings, which will provide the necessary facilities, facilities which, as everybody knows now, are quite inadequately provided to-day. As against these different Indian Associations speaking from different points of view, the Burmese Chamber of Commerce, looking at the subject from the point of view of Burma, the Indian Chamber of Commerce, Calcutta, looking at it from the point of view of the jute and the coal trade, the Bombay and Karachi Chambers also looking at the subject from their wholly individual points of view, what do the European Chambers do? Whether the opposition comes from Calcutta, Madras or Bombay it is based upon the arguments which are to be found in that notorious and *ex parte* speech of Sir Charles Innes to which I have already referred in the course of my remarks.

Mr. President : Order, order. I must appeal to the Honourable Member's sense of proportion and ask him to consider whether he should continue any longer.

Mr. Sarabhai Nemchand Haji : I thank you, Sir, for your suggestion; if you will permit me, I will not take more than about five or seven minutes if I may. All these opinions of the European Associations are of one pattern; that pattern is provided by Sir Charles Innes' speech; and that speech

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has been so thoroughly exposed in the different statements that are now before the House, that as I am pressed for time I do not go into details regarding them except perhaps to refer to one or two points of particular importance. The poison of that speech, Sir, has not stopped with the European Associations ; it has travelled even to the Government Houses in Calcutta and Rangoon ; I shall not mention the other Government Houses for the time. But the two Governments are opposing this motion on practically the same grounds as those given by Sir Charles Innes in this House, and therefore to save time I will not refer to them, but I will come to a subject which is more pertinent from our Indian point of view. In this connection, Sir, I must say that I really do not much care what the different Governments think about this subject, because I find that so far as the opinions of the Ministers in the different Administrations are concerned, whenever they are individually mentioned, as in the case of the Punjab, I find from the volume of the opinions that all the Ministers in the Punjab who have expressed their opinions individually are in favour of the Bill. I dare say that if other Ministers elsewhere were free or were invited to pronounce their opinions in an individual capacity they would probably have favoured the Bill. But, Sir, I come to what is to me a more important section of the Indian community, the Press in this country. The whole of the Indian Press representing all schools of thought and different interests have supported this measure, each time looking at the subject from their own political, commercial or other point of view. If I may, Sir, I will briefly enumerate the support that this Bill has received at the hands of the Indian Press. The *Young India* of Mahatma Gandhi, the *People* of Lala Lajpat Rai, the *Amrita Bazar Patrika*, the *Basumati*, the *Calcutta Commercial Gazette*, the *Forward*, the *Indian Finance* of Calcutta, the *Bombay Chronicle*, the *Indian Daily Mail*, the *Indian National Herald*, the *Gujerati*, the *Swarajya* of Madras, the *Muslim Outlook* and the *Tribune* of Lahore, the *Leader* of Allahabad, the *Sind Observer* of Karachi and the *Indian Daily Telegraph* of Lucknow have all supported the Bill. That much, Sir, for the Indian Press. With regard to the European Press I have already referred to the last stage of die-hardism to which " Ditcher " of *Capital* was reduced when he said that argument is subordinate to power. As regards other English papers which to my knowledge have referred to the subject, I have to make mention of the *Statesman* of Calcutta, and Sir, I make that mention with the greater pleasure because I find that, though the *Statesman* thinks that the Bill is a wrong Bill, or, to quote its own words :

" the Bill was a bad Bill because it was barking up the wrong tree in preferring Indian capital to non-Indian capital."

That is a matter of opinion. But that paper proceeded to say that the Bill before the House was not discriminatory either racially or politically. That being so, I do not see how any gentleman opposite can honestly make the point that the Bill shows racial discrimination. To revert to Sir Charles Innes, in his speech on naval defence, he used the argument that because India had no Navy therefore India need have no mercantile navy. To that charge even we have a reply : that it was through the obstinacy of Government the Indian Navy Bill has not passed the Legislature. But we have their statement that the necessary readjustments in the Royal Indian Marine have been made, and for all practical purposes there is such a thing as an Indian Navy now. Very well, Sir, there being some sort of an Indian Navy, the demand for an Indian mercantile marine becomes the greater and more insistent. Sir Charles Innes referred.....

Mr. President : I very much regret that the Honourable Member must bring his remarks to a close.

Mr. Sarabhai Nemchand Haji : I will wind up by saying that I have got an adequate reply in facts and figures to all the statements of Sir Charles Innes including the statement that the reservation principle when adopted in Chili, Algeria and Australia proved a failure. I will not go into details. But I may say with regard to Chili that immediately after the coastal trade was reserved there was such a superabundance of tonnage that rates went down ; and that is my reply to the gentleman opposite who said, what will happen to rates in case the coastal trade is reserved.

Mr. President : Order, order.

Mr. Sarabhai Nemchand Haji: Sir, may I have one word more ? I regret I have no time to refer to the arguments of the Honourable Sir George Rainy.....

Mr. President : The Honourable Member does not seem anxious to put his motion.

Mr. Sarabhai Nemchand Haji : Very well, Sir, before I conclude....

Mr. President : Order, order. The motion before the House is :

" That the Bill to reserve the Coastal Traffic of India to Indian vessels be referred to a Select Committee consisting of Pandit Motilal Nehru, Mr. Jamnadas M. Mehta, Mr. R. K. Shanmukham Chetty, Mr. Satyendra Chandra Mitra, Maulvi Mohammad Shafee, U. TokKyi, Lala Lajpat Rai, Pandit Madan Mohan Malaviya, Mr. Ghanshyam Das Birla, Mr. K. C. Neogy, Mr. M. S. Aney, Sir Purshotamdas Thakurdas, Mr. Abdul Matin Chaudhury, Nawab Sir Zulfiqar Ali Khan, Nawab Sir Sahibzada Abdul Qaiyum, Sir James Simpson and the Mover, with instructions to report on or before the 10th February 1929 and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be six."

Sir Hari Singh Gour (Central Provinces Hindi Division : Non-Muhammadan) : I beg to move, Sir, that the name of Mr. Tarit Bhusan Roy be added to the Select Committee.

The motion was adopted.

Sir James Simpson (Associated Chambers of Commerce : Nominated Non-Official) : Mr. President, representing the interests that I do I feel sure the House will not expect me to welcome this Bill as a bride and hug it in my arms. I would like however to congratulate the Honourable mover not only on the sincere and honest speech he has just delivered but on the most magnificent piece of propaganda he has conducted in the country. He deserves praise and credit from the interests he is serving for that very excellent piece of work. He called his measure modest, very modest, and he has tricked it out and dressed it up ; but it does not attract me. I want to put it far from me. I am strongly opposed to it. But, Sir, that does not mean that the constituency I have the honour to represent here is opposed to India's interests. Far from it. We hold that India's interests must be the supreme category of policy, and we oppose this Bill because we believe, and we are convinced, that it is neither in the interests of India nor any of her peoples. In this propaganda, this skilful propaganda that the Honourable mover has conducted in the country, he has raised the slogan—India's rights *versus* British interests. As if, Sir, these two things were

[Sir James Simpson.]

opposite and antagonistic. Sir, I maintain that India's rights and British interests are interdependent, are indivisible, one and the same. I wonder if the House realizes, Sir, to what height among the great trading nations of the world India has been raised by British and Indian co-operation. Sir, there are only four nations in the world that exceed India in annual volume of trade. Great Britain, the United States of America, Germany, France, India ; that is a godly place in the Sun and we all want India to maintain that place or surpass it. We want her glory to increase. But, Sir, legislation such as this endangers that co-operation, imperils and brings into jeopardy the whole delicate structure of commerce. If you are going to endanger the co-operation of over 100 years by racial and discriminatory legislation such as this against shipping to-day, and against anything else you like to-morrow—India's glory cannot increase. It will diminish until you will only be able to write one word over India's agriculture, commerce and industry,—Ichabod—" the glory is departed ". Sir, on a recent occasion my constituency issued a memorandum and I challenge the House to say that the whole tenour and spirit of that memorandum is not one of service for India and that India's interests have not been made the supreme category of policy. May I read an extract from a newspaper :

" In the memorandum already quoted ' the Associated Chambers of Commerce profess to be greatly concerned at the tendency shown by Indian politicians to introduce legislation discriminating against British commercial interests established in British India.' After reiterating the important part British capital has played in increasing the wealth of India, the Associated Chambers add ' the European firms in India, so far from desiring to hamper indigenous enterprise, welcome it as likely to increase the wealth of the country to the advantage of Indians and British alike. They do, however, claim on grounds of justice, and expediency, that the Indian Legislatures shall not be in a position to imperil the existence or development of any commercial or industrial interests established in India by legislation or taxation indicating discrimination of a racial or communal character'. The Chambers confine themselves to asking for ' national treatment ' only, for industries and commerce established in India, whether registered there or not."

Sir, with this Bill before us, that part of that memorandum was drafted. May I read another extract from a newspaper of the same date ?

Sir Hari Singh Gour : What paper ?

Sir James Simpson : *Capital* of the 16th August.

In the introduction to the All-parties' Report I find the comment :

" As regards European commerce, we cannot see why men who have put great sums of money into India should at all be nervous. It is inconceivable that there can be any discriminating legislation against any community doing business lawfully in India." (Applause).

Sir, that is all we ask for, all we want. Indian politicians who have put their signatures to that report—and I claim that the Honourable the Leader of the Opposition has done so—and those members who have not signed it but who have given their adherence to that report and whose word is as good as their bond must vote against this Bill. (Applause.) If they will do so, they will remove all feeling of nervousness " from men who have put great sums of money into India ".

But if they do not vote for this Bill, how can European Commerce be other than nervous ? It is the principle of discriminatory legislation that we fear. The parties behind this Bill have to-day cast their greedy eyes on

shipping. To-morrow others may cast jealous eyes on tea, coffee, oil, anything else you like. (*An Honourable Member* : " Why not " ?) Where are you to stop (*An Honourable Member* : " Don't stop ".)

Now, Sir, if this principle is once admitted it would be idle to pretend that the Honourable Mover of this Bill has not succeeded in fixing a great gulf between British and Indian opinion. That to me, Sir, is a lamentable state of affairs, and bodes no good for the future of India if such legislation be persisted in. I oppose this Bill on two main standpoints. Let me deal with the first very briefly. This Bill seeks to take away from the British a right they have always thought they possessed. I wave aside all juridical definitions and I claim to be a British Indian National of long residence, a citizen entitled to and in possession of the franchise, a subject of the King-Emperor of India, and that it is not competent for any of my fellow-subjects to discriminate against me. Surely after more than a century of residence and of pioneer work and labour and service in India, the British have attained the right of adoption. As the Commerce Member knows and some of us on these Benches know, having had it drummed into us in our youth, adoption is an act whereby we are received into the number and have a right to all the privileges of the sons of the soil. I claim that right and all these privileges, and again I quote from the All-Parties' Report :

" It is inconceivable that there can be any discriminating legislation against any community doing business lawfully in India."

We ask no favour, no special privileges, only for equal rights. No more, but, Sir, we will accept no less.

To come to my second standpoint. We believe this Bill to be a bad Bill, an inherently bad Bill in itself, impracticable and unworkable. At the last debate in Delhi in March last my distinguished predecessor, Sir Walter Willson, used these words :

" What I feel is the principal danger to-day is not what I am so often hearing in this House, namely, the exploitation of trade by vested interests as they are commonly called, but a different kind of exploitation of political feeling, of racial feeling and of patriotic feelings in the country, in order to transfer out of hands which have built up the existing trade from what it was years ago to what it is to-day, to transfer that trade into the hands of another single solitary firm at the expense of the shippers of the country. In the past Indian industries in Bombay and Bengal have been able to build themselves up in ordinary straight forward competition with the established interests of the British. The jute mills of Calcutta are owned by 70 per cent. of Indian shareholders to-day :

The cotton mills of Bombay have passed almost entirely into Indian hands, either by purchase or by fair competition and I deprecate as strongly as I can the attempt which is being made to expropriate existing interests by means of playing upon popular feeling and using the machinery of this Assembly for the purpose."

I stand by that statement of my distinguished predecessor, and I have behind me a united British public opinion as it has never been united before. The Honourable Mover may say the same perhaps of Indian public opinion, but not quite. In the two long papers of opinions that have been supplied to Honourable Members of this House there are some doubting and hesitating Indian opinions from the great ports of Bombay and Calcutta. The Honourable Mover has been very successful in fooling some people some of the time. I dare say he will even be able to fool some of the people all the time ; but, Sir, these papers show that he will not be able to fool all the people all the time—I mean the Indian people. There are some Indian opinions which hold that the period of five years in which the Bill would

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eliminate British shipping should be extended to ten years or even more, and moreover that instead of ousting all British shipping it will be better perhaps to be content with 50 per cent. than to take all the shipping. Perhaps they think that half a loaf is better than no bread. One Indian opinion goes the length of saying that " elimination is clearly impossible not even in fifty, let alone five years."

Mr. Sarabhai Nemchand Haji : Is that a Government official ?

Sir James Simpson : There is one notable Indian opinion not appearing in these papers nor even in that fine propaganda that my Honourable friend has issued. It seems that practically every Member of this House has got copies of that propaganda save me—me to whom it would have done most good—and I should like my Honourable friend to send me these copies having put his signature upon them, and I assure him I will preserve them as an interesting memento of a memorable debate. The notable Indian opinion I refer to is the opinion of one who might be called the grandfather of maritime aspirations in India—I refer to Sir Sivaswamy Aiyer. In the account of an interview appearing in a Madras paper about a month ago, Sir Sivaswamy is reported to have said :

" The most important aspect of the question from the point of view of India is how the reservation of coastal trade proposed by Mr. Haji's Bill will react on the shipping facilities available for the commerce of India. Whether Indian capital would readily come forward to step into the breach and make up for the withdrawal of ships belonging to the British and other foreign countries is a matter upon which, not being a financier, I am not able to express an opinion. I do not know whether it will be possible for Indian capital to provide all the necessary shipping within the time table of five years provided in the Bill. I have very serious doubts upon those points. Probably the difficulties arising from the lack of an adequate supply of Indian controlled ships may be met by extending the period of Mr. Haji's time table. I do not know whether Mr. Haji has dealt categorically with the various difficulties pointed out by Sir Charles Innes. I have been out of touch with the subject during the last two years and I have no recollection whether he has dealt with them or not. In any event it will not do to make light of the arguments of Sir Charles Innes and they must all be squarely faced and answered."

Sir, in my opinion, the arguments of Sir Charles Innes have not been squarely faced and answered, though, to put it mildly, a good deal of ink has been slung at him. If I were to confine myself to one opinion in these papers as epitomising the opposition to the Bill, I would stand by that of the Government of Burma. Let Honourable Members ponder over this extract :

" The Government of Burma make no doubt that it must increase for consumers either in India generally or over great parts of India the prices of such important commodities as salt, rice, kerosene oil. ..... Burma kerosene oil is burnt in the poorest households of India, and already India no longer grows enough rice for her own consumption. She imports more rice from Burma than she exports to other countries, and as her population increases, she will become more and more dependent on Burma for an essential foodstuff."

Sir, yesterday the lion of the Punjab thundered about the hunger that the millions of India were feeling. This Bill will not fill their bellies.

The only other extract in these papers in opposition to the Bill that I will trouble the House with is from Bombay and it ought to appeal to Honourable Members from Bengal who are jealous of the interests of their great coal trade.

" There is also the very large Calcutta coal traffic to be considered. This is mostly handled by steamers of the tramp class and its volume is such that any attempt to impose control of the nature suggested could not but involve sea transport difficulties which would constitute a most serious interference with the affairs of the very important Bengal coal trade. They refer principally to the shortage of tonnage that certainly would ensue after the initiation of freight rates which the elimination of tramp competition would doubtless bring about."

Sir, it is a weariness to the flesh to read the conflicting opinions contained in these two papers, one side holding that the Bill inevitably means higher costs of transport, fewer shipping facilities and that the food of the populace will become dearer, and the other side holding that there will be more ships and that freights will come down, forgetting in so saying or rather ignoring the fact that thereby the ships would never pay and that the last state of that industry would be worse than the first.

Sir, I have conceived it to be my duty to get away from these conflicting opinions and to supply to the House, from as authoritative a source as can be found, independent views on the fundamental principles underlying this Bill, and I think I have found what might help the House in the proceedings of a meeting held in Paris, a few years ago of the Council of the International Chamber of Commerce, at the time they were deliberating upon an historical survey of acts of flag discrimination. Let me read three short Resolutions :

" 1. Cheap and efficient transport depends upon the vessels of all flags which carry the goods and raw materials of commerce and their cargoes and passengers being treated by every country in all that concerns the use of the ports of that country and in all respects on a footing of equality with the vessels, cargo and passengers of that country.

2. The cost of every act which denies equality of treatment as between vessels of different flags being ultimately borne by the trading interests, the International Chamber of Commerce is deeply concerned in securing an international agreement which would ensure a real equality as between such vessels."

Mr. Sarabhai Nemchand Haji : It applies to overseas trade only.

Sir James Simpson :

" 3. Any agreement which, while it seems to secure acceptance of this principle, admits of acts of a discriminatory character would be positively harmful and should not receive the signatures of the maritime countries. For the same reason, qualifications and reservations should be avoided."

Sir, to my way of thinking, the House cannot attach too much importance to the views of the International Chamber of Commerce particularly as these apply to countries which have to consider the protection of their own sea frontage and the maintenance of a mercantile marine as a second line of defence to their navy. No such considerations are applicable in the case of India. For very many years to come, India will not be in a position to dispense with the protection afforded by the British Navy. There is no use of the House blinking that fact. When an Indian naval force manned by Indians, and supported entirely by the Indian Exchequer is sufficient to cope with the entire protection of its own shores, without assistance from the British Navy, the claim for coastal reservation might have a certain amount of justification. But that day is far distant, and this Bill has no justification.

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : I am sorry to interrupt my Honourable friend. Can the Honourable Member give the example of any country in which a mercantile marine was developed after a navy was established ?

Sir James Simpson : This Bill, in my opinion, is just protection run mad. Indian politicians should not seek to launch the country upon an

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expensive Indian naval programme, while there is so much to do for the amelioration of her millions of people, in agriculture, banking, education, industry and many other ways.

Now, Sir, the first question to ask the promoters of this Bill is, have you counted the cost ? Can you deliver the goods, that is to say the ships within five years ? I make out that if the British companies are prevented from trading on the Indian coast about 100 Indian owned ships would be required to replace them. This would cost 12 crores of rupees. I do not say this cannot be done but I do say, judging from past experience, that it will not be done. In this connection let me refer to the reports of the Fiscal Commission and the External Capital Committee. The Commission stated :

" Capital in India is shy specially in regard to new industrial enterprise, nor is the Indian investor satisfied with the low rates of interest at which in normal times money can be borrowed in Europe."

Yet this Bill proposes to expel British capital. Let Honourable Members examine the recently issued report of the Indian Tariff Board regarding the grant of protection to the match industry. That is the highest possible Indian opinion and it is against any restrictive or discriminating measures upon " foreign " capital. Why ? Because it is not in the national interests. If these 12 crores of capital are not forthcoming—and I do not believe they will be—Indian shipping will be no further forward and all that will have been achieved will have been the creation of a general feeling of unrest and dissatisfaction on the part of the present shipowners catering for the trade. It would appear, however, that one member of the alleged monopolistic combine will not be averse to that state of affairs. I refer to the company of which the Honourable Mover of this Bill is a paid servant—the Scindia Steam Navigation Company—which I take it is the single solitary company referred to by my Honourable friend.

Mr. Sarabhai Nemchand Haji : May I say that that Company is a bad company.

Sir James Simpson : Perhaps the Bill would have smelled sweeter and the House would have preferred it to have been sponsored by less interested parties. I trust that the House fully realises that the Scindia Company are parties to the present coastal conference and quote rates, etc., in conjunction with the British companies. I hold in my hand a copy of their last balance sheet. They are not now doing too badly ; but it is common knowledge that they have written down half of their capital. Having become members of this so-called monopolistic combine, having become birds of a feather, surely it is a poor return that they should seek to kick out all the others and to control the trade entirely by themselves. Sir, it is an ill bird that files its ain nest. I am informed that half the ships they do sail on the coast, are British or foreign owned. I take it that the owners of these chartered ships make no effort to encourage Indian youths in their laudable desire to find careers at sea. It would be interesting to know, Sir, how many Indian deck officers this Company has on its steamers and how many they are training.

I would like to refer to another point in this controversy. We have constantly heard of the monetary drain amounting to crores per annum. The lion of the Punjab referred to it yesterday and the Honourable the Mover has repeated it to-day. I am no economist, Sir, but I know that payment for services rendered is no drain. I know that India is one of the

poorest countries in the world. Many of her millions of inhabitants never see a silver coin during the course of a year ; but I also know that India imports crores of gold per annum ; last year 18 crores ; and that India is known as the sink of the precious metal. Perhaps the House will bear with me, Sir, while I attempt a rough analysis of expenditure of a coastal shipping company to see what difference it makes to the destination of the various payments made by the shipping company if the company is Indian instead of British or foreign ?

Shall we say that the following 7 heads cover the main expenditure of a shipping company ?

(1) Capital cost of ships.

(2) Capital cost of offices.

(3) Port dues, pilots, etc.

(4) Stores, maintenance, repairs, etc.

(5) Salaries of officers and crews.

(6) Salaries of office staff.

(7) Profits to shareholders.

As there is no shipbuilding industry in India, it is clear that the destination of payments on account of the capital cost of ships will be a foreign one, whether the company is Indian or foreign. Did we not see photographs in the papers of you, Sir, our revered President, launching in Glasgow last year a ship of the most beautiful name, *Jalabala*, daughter of the sea, for the Scindia Steam Navigation Company ? Is there a shipbuilding yard in India that could build a ship like that during the period of five years contemplated in the Bill ? The answer is in the negative. I fancy the Indian opinion already mentioned would say " not even in 50, let alone five years."

This is not a Bill to encourage Indian shipbuilding. Similarly, the destination of payments on account of item (2), the capital cost of offices, etc., will be the same in both cases.

It is clear, therefore, that the destination of the capital outlay of a coastal shipping company will be the same, whether the company is Indian or foreign. Payments on account of item (3), namely, port dues, etc., will obviously be made in India in either case. Similarly, as regards item (4), the destination of payments for stores, repairs, maintenance, etc., will be the same in either case. As regards items (5) and (6), namely, the payment of the personnel, the vast majority of the office staff and crews employed by foreign companies are Indian, and although an Indian company would probably employ no European staff in its offices, it would, I think, be compelled to employ European officers and engineers on its ships. In so far as an Indian company employed Indians instead of Europeans, the so-called drain would be lessened only by the amount which the European officers of a foreign company make remittances outside India, for they are paid in India and most of their expenses are incurred in India, and the surplus available for remittance to their own country is comparatively small. Finally, there is the item profits to shareholders. Assuming that all the shareholders of a foreign company are foreigners and that all the shareholders of an Indian company are Indians, there is a definite drain of the amount of profits paid to shareholders. But this represents only interest on capital invested, and as I have already tried to show it is doubtful

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if sufficient capital would be forthcoming in India to replace the capital now invested in the foreign coastal shipping companies.

When the facts are analysed in this manner, it is clear that it is absurd to talk of crores of loss to India on account of the coastal shipping being mainly in the hands of foreign companies. The net result of the substitution of Indian companies would be that the destination of the profits and the surplus earnings of a few officers would be India instead of a foreign country. In any case, such payments are merely made for services rendered, either in the form of supply of capital or in the form of direct personal service, and it is doubtful if these services could be rendered to India from an Indian source. Where therefore is the drain ? Sir, there is no drain.

May I crave the indulgence of the House for a few minutes longer, Sir, to examine a few extracts from the statement on this Bill sent by the Indian Merchants' Chamber, Bombay ? I reckon that this is perhaps the most important contribution to the subject from the Indian point of view. I shall just read a few quotations and then I shall give you what I think the reply should be. The first quotation from that statement is :

"The fight to obtain for Indians equality of status as citizens in Dominions has nothing in common with the attempt to develop an Indian Mercantile Marine by means of the reservation of the coastal trade of India. Moreover, economic discrimination against non-nationals, particularly in a manner recognised by law, is a totally different proposition from the anti-Indian legislation intended to turn Indian colonials into helots of the Empire."

My reply is that I am not a non-national, and in any case I fail to see any difference between anti-Indian legislation in British colonies and anti-British legislation in India. The Chamber goes on :

"The first misstatement to which Sir Charles Innes seeks to give currency is that coastal reservation means expropriation. That this is a wrong statement is clear when we remember that the coastal reservation merely precludes non-national ships from trading on the coast, but it does not mean their confiscation."

Of course, the Bill does not mean expropriation of the ships ; but it certainly means, what is equally important, expropriation of the good will, and the earning power of the large British interests in the coastal trade who have through good years and bad years and by immense pioneer work built up this very coastal trade and have at all times met the peculiar requirements of that trade, and under all difficulties, kept up regular services in a most efficient manner. Yes, we could sail away with our ships in five years, but if you are legislating like this in other things we could not sail away with our tea gardens, or our coal mines, or our oil fields, or the railways or any other immoveable property we have bought and paid for. The principle of the Bill is confiscation of the deepest dye. Worse than anything any socialist Government in any part of the world would ever dream of.

About two months ago, the Labour Party in Great Britain published their programme. Dealing with the land, communications, transport and other "fundamental necessities" the labour programme says :

"With careful preparation, with the use of the best technical knowledge and managerial skill, and with due compensation to the persons affected : the Labour Party will vest their ownership in the nation and their administration in authorities acting on the nation's behalf."

Does this Bill offer due compensation to the persons affected ? Does it vest their ownership in the nation ? No, Sir. The spoliation would be for the benefit of the "single solitary firm", of which the Honourable Mover is the paid servant.

Mr. President : Order, order. I propose to adjourn now if the Honourable Member is not inconvenienced by that adjournment.

Sir James Simpson : If you can give me five minutes more. I shall pass over some of the extracts referred to in that statement and I shall only read this. Would you prefer me to continue after Lunch ?

Mr. President : The House stands adjourned till 2-45 P.M.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

THE HINDU CHILD MARRIAGE BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : I beg to move that the instructions given to the Select Committee on the Bill to regulate marriages of children amongst the Hindus to present its Report within three days be withdrawn and that the Select Committee be instructed to present its Report by the 13th September, 1928.

The motion was adopted.

Rai Sahib Harbilas Sarda : I beg to present the Report of the Select Committee on the Bill to regulate marriages of children amongst the Hindus.

THE RESERVATION OF THE COASTAL TRAFFIC OF INDIA BILL—*contd.*

Sir James Simpson : I thank you for your kindness and I thank the House for its indulgence. My only excuse for detaining the House is that this is a very serious matter. This Bill is the test case on which the whole fabric of British industries in India depends. I will for a very few moments continue the thread of my discourse. The Indian Merchants' Chamber of Bombay says that this Bill is intended to provide careers for Indian youths who have so far been kept out by British shipping companies on racial grounds. Sir, 90 per cent. of the personnel of steamers at present plying on the Indian coast are Indians. It is true that they do not occupy the executive positions but as soon as they possess the necessary qualifications the British coastal companies have promised Government to employ them. There is no intention to depart from this promise. That is not the British way. We play the game. The last quotation I shall make from this document is this :

"If normal rates of freight are to prevail in the coastal trade of India no time should be lost in abolishing the present foreign shipping monopoly in the Indian coastal waters."

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : May I ask the Honourable gentleman if he is interested in foreign shipping ?

Mr. President : Order, order. The Honourable Member is not willing to give way, it seems.

Sir James Simpson : Normal rates do prevail at present on the Indian coast. The various Indian shippers and other Associations have a very great deal to say on the regulation of rates. The inference from these remarks by the Bombay Merchants' Chamber is a slight on the ability of the various Indian shippers' and importers' associations to look after their own interests. Why ? Sir, in my own business at Coconada the other day I pointed out that a certain commodity could hardly bear the freight rate charged. The companies at once made a decent reduction. Sir, I have inquired diligently at every port on the Coromandel Coast and the Malabar Coast, and at the great ports of Bombay, Colombo, Calcutta, Karachi and Rangoon ; I have inquired of Indian merchants as well as British merchants, and all I can say is that this type of legislation is viewed with horror and dismay.

Sir, just one word more. Dispassionately analysed to the British way of thinking, the Bill boils itself down to the cupidity of Indian capitalists, shipowners or otherwise, desiring by the help of the Legislature, regardless of the general interests of the country, unfairly to capture a trade, which has never been closed to them in the past, but has been and is now as free and open to them as it is to British owners. The Bill does not encourage Indian shipbuilding, nor Indian officers nor Indian engineers but only provides ways and means for Indian capitalists to attempt to earn dividends, at the expense of the general community, by " importing " non-Indian vessels, buying them or chartering them, and working them by " foreign " officers and engineers, exactly as at present. It will only be the owners who will be changed ! !

In short, the country is to provide such Indian capitalists as the Bill is designed to benefit, with the support of the British Army and Navy, while they confiscate British shipping ! ! !

Sir, how much better it would be for India, if Indian politicians gave up their jealous attempts to *supplant* British effort and occupied themselves in straining every nerve to *supplement* it. Do not waste time in trying to dispossess the men in possession. Break new ground. You have the advantage in your superior knowledge of your own country and countrymen. Indian, as against British-managed, concerns already enjoy the large advantage of cheaper management, while, in a degree peculiarly exclusive to Indians, there lies open to them the immense potentiality of financial resources in India's enormous idle and unproductive wealth. With such advantages, Indian concerns have nothing to fear from British concerns ; rather, is it the reverse which is the truth. Legislation is no substitute, Sir, for enterprise, or endurance, or any other attributes you like, nor can it be properly employed as a remedy for the lack of any such attributes in any one section of the body politic to the detriment of any other possessing them.

Sir, no man should reap where he has not sown or gather where he has not strawed.

On behalf not only of the British in India but in the real and true interests of all the other peoples in India I strongly and strenuously oppose this Bill.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, I utilized the luncheon interval in looking up certain books of reference so as to know something about the last speaker. The first was the Indian Year Book, and I turned to the section, " Who's Who " in India. I found that there is one Simpson there, only one, " Simpson, C.I.E., King's Police Medal ", and all that. I could not identify the gentleman, I suppose I must call him the Honourable gentleman in this House, with that description. So the next book that I looked up was Thacker's Indian Directory, and I found there were as many as 45 Simpsons enumerated there, and one of them is the head of a firm....

Mr. President : Order, order. What has that got to deal with the Bill ?

Mr. K. C. Neogy : Sir, I find that in this House these personal factors are brought in to lend support to one's argument. That is my excuse, Sir, and I have the precedent of the gentleman who has just sat down in my support. I find that one Sir James Simpson is the head of a firm called Gordon, Woodroffe & Co., who are the agents for as many as four or five shipping companies. Therefore, Sir, I thought to myself that if anybody ought not to have referred to my Honourable friend Mr. Haji as the paid servant of the Scindhia Steam Navigation Company, it was this particular gentleman.

Sir James Simpson : I am not the agent of any coastal company, and this Bill deals with the coastal trade.

Mr. K. C. Neogy : Sir, my Honourable friend is seeking to draw a distinction between coasting trade and overseas trade.

Sir James Simpson : Surely.

Mr. K. C. Neogy : Well, this gentleman represents what could be better described as the conspiring European Chambers in India, and I dare say all the British shipping interests, including the Inchcape gang, are represented on that body. It is an open secret that that particular body has the practice of paying their representatives in the Central Legislature. Therefore, can we not take it that the maintenance of the Inchcape interest unaffected in India means bread and butter to the representative of this particular body ? Sir, it is an accident that Mr. Haji is fathering this Bill to-day. This particular Bill was given notice of by me three years back, as Mr. Haji has already said. I balloted for it not once, but twice, and it was only on the representations of the then Member in charge, Sir Charles Innes, that I agreed to postpone it. The Government did not know where they stood. They wanted to consult the legal officers of the Crown in England as to whether this measure was *intra vires* of this Legislature, and it was in order to oblige Government that I did not push through this measure at that time. Mr. Haji is in this House now, and I thought that he knew a good deal more about this question than I did. That is the only reason why I permitted my Honourable friend to take up this measure instead of introducing it myself in this House. Sir, we are here in our representative capacity ; whether we are personally paid

[Mr. K. C. Neogy.]

servants of this man or that man, wherever we may make our living, has nothing to do with the consideration of the question which is before the House. I have been in this House during the last eight years, and I have never before listened to a disgraceful speech like the one that has been delivered, in its reference to Mr. Haji. Sir, the Honourable gentleman has finished with a feeling perroration. He says " We play the game ". I say, yes, the British game. And what is that game ? Let the spiritual fathers of the Honourable gentleman say what that game is with reference to this particular question. I have here an extract from a report of the Directors of the East India Company written on the 27th January 1801, in which they opposed the employment of Indian-built ships in the trade between England and India : and this is one of the many arguments used—I will not tire the House with the whole extract. This is what they said :

" No British heart would wish that any of the brave men who have merited so much of their country should be without bread whilst natives of the East brought the ships belonging to our own subjects into our own ports ; and considered therefore in a physical, moral and commercial and political view the apparent consequences of admitting these Indian sailors largely into our navigation form a strong additional objection to the concession of the proposed privilege to any ships manned by them."

That is the " game ". That is the British game, and that is the game which this Honourable gentleman is playing to-day.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I thank my Honourable friend, Sir James Simpson, for the honour he has done me of quoting a passage from the Report of the All Parties' Committee over which I had the honour to preside. After quoting that passage, my Honourable friend extended to me a very cordial invitation to go with him into the lobby.

3 P.M.

Sir James Simpson : Yes, I hope you will.

Pandit Motilal Nehru : Sir, I will make a very sporting offer to him. If he and his constituency would accept now and here the Dominion status which we claim, I shall be the first to accept his invitation. (Applause). I made this offer, which I call a sporting offer, in the lunch interval to my Honourable friend. His reply was " I am willing to go into the report with you ; I have not yet read it ". My answer to my Honourable friend's invitation is that I am willing to go with him into the Bill in Select Committee. Then, my Honourable friend was very eloquent in dealing with the glories of India and as to what had contributed to those glories, *viz.*, co-operation with the British. Well, if he had said " glories of Anglo-India ", I could have understood it. In fact I have myself witnessed—and I use the word " Anglo-India " in the general sense and not in the restricted sense in which it is used now—I have witnessed that glory myself when going up to Gauhati by river. Along the banks of the Hooghly for some miles, I saw noble palaces, rising to the skies, belonging to the jute kings of Bengal. That was one glory that I saw. A few miles further what did I see ? The misery of India. Men, half-fed, half-clad, with bodies shrivelled up, living under flimsy roofs of palm leaves giving no protection against wind or rain. Those two things I saw side by side. Now, what does the report say ? The report deals with people who have sunk their money, vast sums of

money, and are doing business *lawfully* in India. I stress the word " lawfully ". Has my Honourable friend in the course of his speech given any answer to the long indictment of my Honourable friend Mr. Haji as to how it was that they came to be in possession of the best part of this particular trade ? My Honourable friend has answered it by calling certain monopolies " British rights ". What are these British rights ? Monopolies in the coastal trade, tea, jute, oil, coal, and so on. The tragedy of it is, Sir, that these rights have been acquired in India, the right of the coastal trade and the right of growing tea and coffee and the right in oil. (*An Honourable Member* : " And indigo "), it is a dead trade now—that all these rights should be entirely in non-Indian hands. Equal rights; yes, by all means equal rights, but equal rights are accompanied by and are derived from equal opportunities. (*Lala Lajpat Rai* : " Equal powers "), equal opportunities lead to equal power. Give us the opportunity and if we lag behind, you can say it is our misfortune. Have we had the opportunity ? Will you allow us the opportunity ? What about the extract just read by my Honourable friend, Mr. Neogy ? What about the hundred different tales about Indian commerce, Indian trade being brutally suppressed by the English people in the past. I need hardly go into that ; it is a matter of history and we all know it.

Then, it is quite evident that what the report deals with is the time when Dominion status shall be established in India, and not the present time. To talk of discriminatory legislation as something reprehensible in this present rule and in the present circumstances seems to me, Sir, to be more a joke than a serious argument. Are there not already on the Statute-book discriminatory laws ? Did any of my friends support us when we all rose as one party either for the repeal of those laws or the non-passing of fresh discriminatory laws ? What about the discriminatory Ordinances and Regulations which from time to time we tried to get rid of ? Did you ever support us in that ? Are they not discriminating laws ? What right have you to ask now under the present system and the present regime that no discriminating laws should be passed ?

My Honourable friend was pleased to say, " I am against discriminating legislation, both anti-Indian and anti-British ". Well, I am very sorry that my Honourable friend was not in the House when we attacked such legislation. He might have had the courage to vote with us, but I see other Honourable gentlemen on those Benches who were in the House and never stood by us on one single occasion.

Then you talk of vested rights. Have we no right to ask how these rights became vested in you ? Are you not accountable to us, the people of the land ? But it is a land of discriminations. What we want to do is to get rid of this discrimination which is to be found in everything. Where is there no discrimination ? Take the political, social, and economic spheres ; everywhere there is discrimination, and that to the advantage of the people whom that group represents.

But the best answer to the whole speech of the Honourable Sir James Simpson was given by my Honourable friend, Sir Victor Sassoon in the course of an interruption during Mr. Haji's speech. He said, " I am not an Indian ". That is an answer to every argument that has been put. If you are not an Indian what right have you to say that you must have the same privileges as Indians ? I am talking now of an Indian Government.

Sir Victor Sassoon : On a point of explanation, Sir. The reason why I had to point out to Mr. Haji that I was not an Indian was because he suggested that I should subscribe capital to these companies, and it was to emphasize the fact that he was not encouraging foreign capital for these companies that I said I was not an Indian.

An Honourable Member : " It comes to the same thing ".

Pandit Motilal Nehru : Now, Sir, what is claimed is national treatment ? Has anybody ever heard of national treatment except among nationals of the same country ? What is national treatment ? Is it a thing which goes floating about on the seas which one has to cross between India and England ? You have to be a citizen if you claim the rights of citizenship. That is the only basis upon which you can claim equality and non-discrimination, because in the case of others who are not citizens there can be and there should be and in fact there is in every country discrimination as regards national treatment. Well, let Dominion status be given, let Dominion rule be established, accept and comply with the terms upon which Indian citizenship can be acquired and then if discrimination is made, you will have the right to complain. But what does this claim come to, this British right as it is called in the present circumstances ? That is not a mere right of carrying on the coastal trade of India or to take part in the coastal trade of India. In every other country when you hear of preference being given to a particular country or a particular Dominion to use its own ships in the coastal trade, there is always a pre-existing home shipping. The question arises when some other nation or Dominion wants to take part in it, as to how it should be regulated. But what has happened here ? Here whatever indigenous beginnings were made—and that has not been challenged—whatever beginnings were made were crushed by superior strength, superior backing and superior organising of Britishers. That being so, what does this claim come to ? It is not merely a claim to remain in peaceful enjoyment of the coastal carrying trade, but the claim when closely examined comes to this that it is we Britishers, and we alone, who must form the mercantile marine of India. You may talk of discrimination in various things, but has anybody ever heard that discrimination is not permissible, is not advisable, is not necessary in matters of defence of a country ? Is not this particular question a question primarily of the defence of the country ? What will be the position if we have a mercantile shipping ? Is it not going to be our mercantile marine, our second line of defence, and if it ever falls to us to defend our country is it you or is it we who are to lay down the regulations for it ? The present combines may form the mercantile marine of India, but the tragedy of it will be that it will be a mercantile marine of India with no Indian on it. Then, again, Sir, take Dominion status and imagine Dominion rule fully established. It is with this rule alone that the report from which my Honourable friend has quoted deals ; what does it mean ? It means that particular rule in the whole of India. It means that that rule is to be established for the citizens of India, for the population of India and for the greatest good to the greatest number. That being so, is it just, is it reasonable for one community to say that we shall continue to enjoy the monopoly which we have somehow or other acquired. I heard a beautiful expression to-day—it may be a legal expression, but I do not profess to be a mine of legal knowledge and to know everything—the expression was

" expropriation of good will ". I can imagine your parting with your property along with the good will or rather trade along with the good will, but I cannot conceive the case of only parting with good will and keeping the trade to yourself. It may be, and I think it will be, more accurate to describe it as a restraint on trade. Talking of restraint on trade, as every lawyer knows, it may be of two kinds. It is either by contract between private individuals or it is by legislation in the interests of the country. Now, in the former case, restraint is permitted to a limited extent in certain instances. In the latter case, when a restraint has to be imposed on trade for the political, economic or social advancement of the country, there is absolutely no limitation. If private interests are likely to suffer they will have to suffer. The present is a case I submit which raises a question directly affecting the advancement of the country, and is therefore of national importance. If it becomes necessary at any time—I do not say that it is necessary now—to pass discriminatory legislation, it would be perfectly open to the Indian Legislature to do so even before it has got Dominion status. But I do not admit that this is discriminatory legislation at all. What is there discriminatory in it ? It is not discrimination between individuals or races. It simply lays down that the controlling interests in the trade shall belong to nationals. It is entirely open to anybody to comply with whatever laws there may be in force and become a citizen. Discrimination in legislation, as I said, implies discrimination between races and individuals. It does not certainly mean regulation of the trade of a country whether coastal or otherwise ; it does not mean that the Legislature is incompetent to remove monopolies ; it does not mean that the Legislature is not to put a stop to exploitation ; it does not mean that the Legislature is to perpetuate rate wars. As to discrimination in other ways, for instance, by giving bounties, raising tariff walls and such like, no one will ever object or will ever deny that every country has the right to make it. Imagine for one moment that we had our own way : would you have found Indian-owned shipping in the miserable condition in which we find it to-day ? Could we not have helped it by various means and would it not have been able to stand any competition, however strong ? It is something like what my Honourable and gallant friend, Colonel Crawford said some time ago, that when there is war then Indian politicians would be citing law reports and pages of old history. He asked us " Who is there to fight ? How will you fight ? " How can we fight ? you have made us helpless ; we cannot do it : we cannot compete with you now. Why ? Because you have consolidated your position to such an extent that it is not possible for us with our meagre resources without legislative help to hold our own against you.....

Mr. K. Ahmed : Why not ask for bounties ?

Pandit Motilal Nehru : Who is there to give us bounties ? Will you ? It is like offering battle to your helpless victim whom you have deprived of all arms and all strength and then you roll up your sleeves and say " Stand up and I will fight you." We simply want to be put on our feet and no more. It is not that you have any right of pre-emption upon India. You know how you got it and how you have kept it so far ; and now that we are asserting our rights in various directions, is it for you to say : " Oh, this is discrimination." Discrimination is there from the very beginning ; and we are now trying to get out of discrimination by, what you may, if you are so pleased, call in a loose sense, counter-discrimination. Why should the people of the country not resort to it ?

[Pandit Motilal Nehru.]

Sir, I submit that the whole of the argument of my friend was an argument for sending up the Bill to the Select Committee. He said nothing against the principle of the Bill. I do not mean to say that the measure as drafted is perfect. There is room for improvement, and I think the best we can do is to put our heads together and see if we can reconcile it with our various view points without in any way affecting the principle of the Bill. That there should be an Indian mercantile marine in its true sense, I think, every reasonable person will admit.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I rise to support the motion which is before this House. Sir, when Sir James Simpson got up to oppose this Bill, I expected to hear some very convincing arguments against it, but I was very much disappointed to hear him resorting to appeals to Pandit Motilal Nehru in the name of the All-Parties Conference Report and also opposing the Bill in the name of the consumer without telling us as to how the consumer was going to suffer. Sir, so far as the question of racial discrimination is concerned, I think I need not say much. Panditji has already replied to his remarks, but I might add that the European section of this House by their supporting yesterday a Bill of a discriminatory character have cut the ground from under their feet.

Sir, it has been admitted by the European section of this House that in the best interests of India the Britishers could be deported from this country. If, Sir, we accept this principle that the Britishers in the best interests of India could be deported from this country, I do not see any reason why the British ships might not be deported from India in her best interests.

Sir, so far as the interests of the consumers are concerned, I wish my friend had said something convincing. It is no use saying that under a monopoly, and by the reservation of the coastal trade to Indians, the rates of freight would go up and that the consumer would suffer. Sir, let us be frank. The European section in this House is not for protecting the interest of the Indian consumer.

Sir James Simpson : Yes.

Mr. Ghanshyam Das Birla : Well, I wish to tell this frankly to them. Let them stand on the ground of self-interest rather than talk of the interests of the consumer. I think, Sir, this is sheer hypocrisy. It is most insincere to say that they are opposing this Bill on the ground of the consumer's interest. Let us examine the history of the last 50 years of the present shipping concerns owned and controlled by the Britishers, and let us see how the consumer's interests have been served and protected by them.

I would, Sir, take only one instance of a company plying for coastal trade, that is, the British India Steam Navigation Company. Now, Sir, the ordinary capital of this Company is 9 lakhs and 57 thousand pounds, and from 1901 to 1925 the total profits which it made amounted to 51 lakhs and 71 thousand pounds, or approximately 22 per cent. per annum. Twenty-two per cent. per annum is the profit which these protectors of the consumer's interests have made during the last 25 years. And still they have the audacity to say that they are opposing this Bill on the ground of the poor consumer's interests ! Now, Sir, let us also examine the rate

of freight which they charge for the coastal cargo they carry. I have calculated that on an average they charge about Rs. 20 per ton for the coastal traffic. If my figure is not correct I would ask my friends who know about these things to correct me. And, Sir, as compared with these figures the freight from India to the United Kingdom is about Rs. 16 per ton—a distance probably three times the longest distance of a coastal trip. That is how they serve the country ! It comes to this, that they charge for the coastal traffic nearly four times the rate they charge for the United Kingdom. That means that the importers of food grains and other raw materials in the United Kingdom pay a freight rate about 25 per cent. of that paid by the Indian consumer. Now, Sir, in spite of all these big profits, the present European concerns interested in the shipping trade on the coast could not stand any Indian shipping company to come into the field. It was estimated during the enquiry by Mr. Rangachariar that companies with a capital amounting to about 10 crores of rupees were ruined on account of the " rate-war " and the " deferred rebate system." The European shipowners have so far been successful in keeping Indian companies out of the field by resorting to all kinds of means, fair or foul, with the result that the coastal trade at present is practically monopolised by two English companies. Now, Sir, we can reasonably expect that if proper protection was given against these unfair means, against the deferred rebate and rate war systems, by which the present shipping interests have successfully attempted to kill the Indian industry, I have not the slightest doubt that sufficient capital would be found in India to take up the trade which at present is being carried on by these concerns. Sir James Simpson very pertinently enquired how India would be able to get 12 crores of rupees which would be required to completely displace the foreign concerns. Sir, if the Government of India could get from this country every year through borrowing from 20 to 40 crores of rupees, there is no reason to think that it would be difficult to find the small sum, if I may say so, of Rs. 12 crores provided proper protection was given to the Indian industry.

Sir James Simpson : Private enterprise is required.

Mr. Ghanshyam Das Birla : No doubt about that. Do you mean to say that the money which Government gets at present from Indians is not from private investors ? A good part of it is from the Indian investors. (*An Honourable Member* : " The greater part of it.") Yes, the greater part of it.

Now, Sir, the suggestion has been made that during the slack season the Indian ships would find it difficult to get cargo on the Indian coast and that therefore their overhead charges would have to fall entirely on the busy season, and for that purpose the rate of freight will have to be automatically enhanced. The figures that I have been supplied with show that during 1924 and 1925 the sailings from Rangoon, Calcutta, Bombay and Karachi were very nearly equally divided between the two half-years. As a matter of fact, no such thing existed as a slack season, there is no reason to believe that there is such a thing as a slack season, that the Indian ships would not take to the foreign trade just as is being done at present by the present English-owned concerns.

Now, Sir, much has been said about confiscation and expropriation. I must say and it is very well-known in this House that this word was introduced first of all by Sir Charles Innes. Sir Arthur Froom, who was introduced first of all by Sir Charles Innes, Sir Arthur Froom, who was a member of the Mercantile Marine Committee, never suggested that

[Mr. Ghanshyam Das Birla.]

reservation of the coastal traffic to the Indian ships would amount to an act of expropriation. I do not want to go into detail, but if the meaning as provided to us by Mr. Haji is correct that " expropriation " means dispossession of property or of proprietary rights, I should like to know from my friends who is being dispossessed of his property ! If they think that this organised killing of the Indian trade means to them a proprietary right, then I must say that this proprietary right should be taken away from them as immediately as possible. It has also been suggested, Sir, during the debate and also in the opinions sent to this House by the various European Chambers that if such a Bill were passed, it would only benefit Bombay at the cost of other provinces. I think, Sir, this is a very dirty game which has been introduced into this controversy by trying to set up one province against another. But I would tell my European friends that fortunately the provinces have not fallen into the trap laid for them. I should like here to refer to a few witnesses who appeared before the Mercantile Marine Committee and to the opinions they expressed about this measure. I should like to cite the evidence of one or two witnesses from Bengal to show that the people of other provinces do not feel that this measure is calculated to benefit Bombay at the cost of the other provinces. Sir, before the Mercantile Marine Committee, Maulvi Muhammad Nur-ul-Haq Choudhari of the Central National Muhammadan Association, when questioned whether he wanted the coastal shipping to be reserved entirely for Indians, said, " Yes, I do." He was asked, " You do not want any English people on the coastal trade at all ", and he said, " I do not." Babu Jogendra Nath Roy of the East Bengal River Steam Service, Limited, when examined, said that within four or five years by gradual replacement of European ships by ships built by the Indian Mercantile Marine he wished that the coastal traffic should be reserved for Indians. Kumar Pramatha Nath Roy of the British India Association in reply to the question :

" Among the various recommendations which you make.... for developing the Indian Mercantile Marine for coastal purposes, to what do you attach the greatest importance ? "

said :

" To navigation bounties and the reservation of the coastal trade."

Then, Sir, I would like to refer to the evidence of our Honourable friend, Mr. Kabeeruddin Ahmed of the Indian Seamen's Union. (Laughter.)

" Q. There is no use of training boys if there is no prospect in the mercantile marine. So your Union considers that the best way to find that prospect is to reserve the coastal trade for Indian-owned ships ?

A. That will be good in the beginning.

Q. Has your Union studied any practical means of arriving at the reservation ?

A. It seems to me that if you reserve the coastal trade for Indian shipping, they will get the necessary facility."

The question before us is this, is it or is it not a legitimate aspiration of India to have her own mercantile marine ? If it is acknowledged by the European Members of this House that it is a legitimate aspiration, I think it is no use their opposing this Bill. They ought to suggest some better alternative in case they do not like the one before the House. In the absence of any better alternative than the present Bill, what one feels

is that the sympathy expressed by the Europeans is not genuine, but that it is all lip sympathy and nothing more. It is a well-known fact that almost all the countries in the world have in one way or another protected their mercantile marine. I should like to know from the Government of India what they have done so far. The English ships have been plying along the Indian coasts for the last 50 years. And what is the result ? Let us have statistics from them to show how many Indians have been trained so far in the ships. Let us have something from them as evidence of the efforts they made to get a real Indian mercantile marine created to ply along the Indian coasts. Sir, it could be seen from the history of the past years that the Government of India have been keeping silent, that they have been making no attempts to do anything to protect the Indian industries with the result that nearly Rs. 10 crores have been lost by private enterprise. It is high time that something was done, and if the Government of India are really serious, it is their duty, as well as the duty of the European Members, to suggest some better proposal if they do not like the present one.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Mr. President, there has been one very remarkable feature in this debate—I do not know whether it has struck other Honourable Members besides myself—and that is the singular reluctance on the part of all speakers, including the Mover, to refer to the Bill which we are supposed to be discussing. I do not recollect any previous case in which the mover of a motion referring a Bill to a Select Committee has spoken for over an hour, without any attempt to explain what the principal provisions of his Bill were and the reasons which he considered justified those provisions. I suppose the Honourable Mover believed that the Bill having been before the Assembly in one form or another for a very long time, for as Mr. Neogy pointed out it was originally brought forward by him in a previous Assembly, Honourable Members by this time were so familiar with its provisions that it was unnecessary to say anything about them. Still movers of Bills are usually expected to have some pity on the weaker brethren whose study of the voluminous papers placed before us is not so thorough and energetic as that of the majority, and I think it is an advantage that, when we are discussing a Bill, we should not altogether ignore the precise provisions which find a place in it. I am not altogether surprised that the Honourable Mover was a little reluctant to say very much about the provisions of the Bill, because, if it is referred to a Select Committee, I should expect to see it emerge in a somewhat different form from the form in which it entered the Committee.

I do not want to occupy the time of the House with points which are really Select Committee points, but there are two or three to which I think I ought to draw the attention of the House as being of some substance. The first of them is this. Clause 3 of the Bill says :

" No common carrier by water shall engage in the coasting trade of India unless licensed to do so."

That, perhaps, I might call the operative provision of the whole Bill. I wonder whether the Honourable Mover of the Bill ever considered what the precise effects of these words would be, because, if the Bill should emerge from the Select Committee with that clause in its present form, it would not surprise me if the opposition to the Bill on the part of a certain group of Members in this House was suddenly to lapse. Is the Honourable Member quite sure that any of the ships employed by the

[Sir George Rainy.]

monopoly which he attacked are in fact common carriers? That is rather an important point because it would put this House in a somewhat ludicrous position, if after the legislation had been passed, it should totally fail to carry out its professed purposes.

Mr. R. K. Shanmukham Chetty: Common carrier by water is defined in the definition clause as a common carrier by water engaged in certain traffic.

The Honourable Sir George Rainy: But the definition clause says that "a common carrier" means a common carrier of a particular sort and you will have to get the lawyers to interpret the meaning of the phrase "common carrier". I admit that it is a Select Committee point, but it is a point that deserves careful attention from the Select Committee.

The second point to which I wish to allude is one to which I drew the attention of the House on the motion for the circulation of the Bill. In clause 1, it is said that the Bill extends to the whole of the coastal traffic of British India and of the continent of India. Now the effect of that clause would be to apply the condition that no ship should engage in the coastal trade unless it were licensed to the foreign settlements in India, and it would also cover the Indian States. Whether it would cover Ceylon is a matter on which I am not quite sure. There was a sharp controversy between Sir Walter Willson and the Mover on the last occasion in which each accused the other of not knowing his geography. I am not wise enough in the law to say how the courts would interpret this phrase, "the continent of India"; but I do think as regards Ceylon at any rate the point ought to be cleared up. As regards the foreign settlements in India, Goa and Pondicherry, I do not contend for a moment that it is not within the power of the Indian Legislature to pass a law restricting the trade between those two points and British Indian ports to Indian ships. I do not say for a moment that it would be *ultra vires*, but what I do say is that if it were passed, it would involve a contravention of some of our international obligations, and in particular of the maritime convention to which I referred in my previous speech. Under that convention, the ships of all the signatories are entitled to ply between Goa and Bombay let us say, or between Pondicherry and Madras; and if we were to pass the law in the form in which it has been introduced, then we should have to denounce that particular convention and I think also our commercial treaties with Portugal and France. That seems to me an important point. As regards the Indian States, the position is not quite the same. If British India by agreement with the Indian States were to impose a restriction by which the trade between a port or ports in the Indian States and ports in British India were to be restricted to Indian vessels, that could be done as far as I can see without breach of any international obligation; but what I would submit to the House is this, that it cannot be done simply over the head of the Indian States. This is not a matter in which this Legislature can fairly assume the final authority, but ought only to proceed in agreement with the authorities responsible for the administration of the States. Now, Mr. President, I think most Members of the House, particularly those who come from Bombay, are alive to the fact that in certain States their interests as regards shipping and commerce are not necessarily regarded by them as identical with the interests of British India. I do not want

to go deeply into this matter, but I think I am referring to a fact which is very well-known; and the effect of this difference of opinion as to the identity of interests apparently has been to transfer a certain amount of trade from Bombay to ports in Kathiawar. What I want the House to consider is this. If the consent of the Indian States were not obtained, and with the two foreign settlements on the coast of India, one on the east and one on the west, and with the great port of Colombo in Ceylon half-way on the voyage from Calcutta or Rangoon to Bombay, with the coast dotted with all these ports which are not British Indian ports, and over which therefore the Government of India and the Legislature of British India have not got full control, I would ask the House very seriously to consider whether any measure for the reservation of the coastal trade, limited to trade between British Indian ports, could in fact be effective. It seems to me that there are loopholes all along the line, and that it would not be difficult for any great shipping corporation, especially one so sagaciously administered as for example the British India Company has always been, to evade the restriction, and if that happened, the inevitable effect would be the transfer of a great deal of trade from British Indian ports to these other ports. Take, for example, the coal trade from Calcutta that goes round to the west coast of India. If this Bill were passed in the form that only trade between British Indian ports was reserved to Indian vessels, I should expect to find that, so far as coal was imported on the west coast of India, it would go round from Calcutta and be imported at Bedi Bunder or at Marmagao and reach the interior of India in that way. And it is quite obvious that our land customs line could not prevent that in any way, because, *ex hypothesi*, the coal we are speaking of is British Indian coal and could not therefore be subject to any duty of customs. I am not going to elaborate this point further to-day. I have some sympathy with my Honourable friend when he preferred to reserve the cream of his arguments for the more select audience of the Select Committee. That attitude might argue a certain lack of respect to the House in general, and an implication that we are not considered worthy to hear what Mr. Haji has to tell us as regards the economic arguments used by Sir Charles Innes. But I am quite sure the Honourable Member did not intend any such disrespect, and, as I say, I agree with him to this extent that it is very difficult when the argument one is trying to place before the House is largely a matter of detail, it is very difficult in a set speech without being intolerably long to make one's meaning clear. Therefore I shall pass on to another feature of the Bill, which is connected, however, with what I have just been saying. I do not know whether the House realizes that, as this Bill is drafted, it will make it illegal for any subject of an Indian State to take part in the trade between a port in his State and a port in British India. It seems a rather summary way of treating the subjects of the Indian States, and if the Honourable Mover were to tell me that that was not what was intended, I should without hesitation accept that assurance. But what this particular flaw in the Bill, taken along with the others, suggests to my mind is this, that as there has been a very long delay between the time when the Bill was first brought forward by Mr. Neogy and the time when it has come up for discussion in this House, it is perhaps unfortunate that those who have successively been responsible for its fortunes, have not devoted a little time to removing the more obvious flaws. I think that on the whole the House was fairly entitled to expect that much from them.

[Sir George Rainy.]

Sir, the Government of India have considered very carefully the argument which I have tried to outline as regards the probable ineffectiveness of the Bill, if the reservation of the coastal trade is confined to ports in British India. Their conclusion quite definitely is that it would be ineffective, that there are too many loopholes and that therefore the Bill, if passed, would not accomplish its object. Now it is obvious, if the Government of India are correct in their view, that that is a very serious difficulty, because I am quite sure that the supporters of the measure, whatever else they want, want it to be effective. I believe also that a great many of them, if they were satisfied that the measure was likely to be ineffective, would hesitate a good deal about passing it. At this point perhaps I might throw back a little as a preface to what I am going to say. In the speech that I made at the time of the circulation of the Bill I said this :

"I am anxious to make it clear that while Government do not oppose the motion for circulation, they do regard the objections raised by Sir Charles Innes on that occasion as very serious and very important, and unless a further examination of the subject should show that they were not well-founded, these objections would, I think, be regarded by them as very nearly conclusive against the scheme."

Frankly, I was disappointed when Mr. Haji told us to-day, Sir, that he was going to reserve his reply to the arguments of Sir Charles Innes for the Select Committee, because, Mr. President, I shall not be a member of the Select Committee if it is appointed, and therefore I shall have no opportunity of hearing the reply to these arguments.

Mr. K. C. Neogy : On a point of order, Sir, is it open to the Honourable Member in charge to say that he would not be a member of the Select Committee ? If my recollection serves me right, the rules are perfectly definite on the point, that whether or not the Honourable Member is named specifically in the motion, he is automatically a member of the Select Committee.

Mr. Sarabhai Nemchand Haji : May I say on a point of personal explanation, Sir.....

Mr. President : One by one ; let this point be disposed of. Mr. Neogy has raised the point that the Honourable Member is not entitled to say that he would not be a member of the Select Committee, and he refers me to a Standing Order which says that a member in charge of the Bill on behalf of the Government becomes *ex-officio* member of the Select Committee on that particular Bill. Is that the point the Honourable Member raised ?

Mr. K. C. Neogy : Yes, Sir.

Mr. President : The Honourable Member, by virtue of his being the Government Member in charge of that particular Bill, becomes *ex-officio* member of that Select Committee. It is absolutely clear.

The Honourable Sir George Rainy : Before the point of order is finally disposed of, Sir, I had always understood that the "member in charge" in that Standing Order meant the member in charge of a Government Bill. I did not know that it covered a member in charge of the Opposition to a private Bill.

Mr. President : I am open to correction.

Mr. K. C. Neogy : Sir, I invite attention to Standing Order No. 40.

"The member of the Government to whose department the Bill relates, the member who introduced the Bill and the Law Member of the Governor General's Executive Council, if he is a member of the Assembly, shall be members of every Select Committee, and it shall not be necessary to include their names in any motion for appointment of such a Committee."

Mr. President : Is it Standing Order 40 ?

Mr. K. C. Neogy : 40, Sir.

Mr. President : Has the Honourable Member got anything to say on the point of order ?

The Honourable Sir George Rainy : I am quite prepared to accept it.

Mr. President : I congratulate the Honourable Member.

Mr. Sarabhai Nemchand Haji : On a point of personal explanation, ...

Mr. President : The Honourable Member will have the right of reply. Then he can make any explanation he likes.

The Honourable Sir George Rainy : Sir, I owe an apology to the Honourable Member for unjustly attributing to him the base motive that he wished to withhold from me the admirable arguments with which he has no doubt furnished himself as regards this question. But, Sir, the Honourable Mover has not supplied this House with the arguments—in reply to the economic objections raised by Sir Charles Innes—I think he ought to have done so for these objections were essentially objections for the second reading and not Select Committee objections, and however much they may impress members of the Select Committee, I think that the House is entitled to hear them. But instead of replying to Sir Charles Innes' arguments, he complained bitterly of the improper conduct of Sir Charles Innes in taking advantage of an opportunity not intended for the purpose to give at full length the whole of the difficulties and objections he felt to the reservation of the coastal trade. Now, Mr. President, whom did it injure ? In March 1926, Sir Charles Innes stated the objections at length so that they should be fully before the country, and that all the supporters of the scheme shou'd have the most ample opportunity of replying to them and showing that they were unfounded.

Is that unfair ? I admit that when Mr. Haji first said that the conduct of Sir Charles Innes was unworthy of a member of Government, I thought he was on the point of commending him. Very fresh in our minds is what we constantly hear from the Benches opposite as to the character of Government, and when I heard that Sir Charles Innes was unworthy, it seemed to me that he had found favour in the sight of the Honourable Member. But it was not so. Not even on that occasion has one member of the Government found favour in the sight of one member of this Government on ordinary occasions, I really cannot see that Sir Charles Innes deserved any censure whatever for the line he took on that occasion, and the position is this.

Mr. B. Das : But Sir Charles Innes did not bring up the Resolution for discussion in the Legislative Assembly. Let me quote the amend

[Mr. B. Das.]

ment moved by Sir Charles Innes to the Resolution of Sir Sivaswamy Iyer on the 19th March, 1926—and that was carried :

" That the debate on all subjects covered by the Resolution, except the proposed training ship, be adjourned till the next Session, and that, as regards the training ship, the Assembly recommends, etc., etc."

Sir Charles Innes did not fulfil this promise.

The Honourable Sir George Rainy : Sir, Sir Charles Innes on that occasion acted subject to your approval, and I have no doubt that if his conduct was unworthy, that approval would not have been given.

What remains is this, that it is 2½ years since Sir Charles Innes stated these objections, and so far as this House is concerned, they remain unanswered to this day. The Honourable Mover, except on the point of expropriation, made no attempt to deal with the economic argument, and I think I am entitled to claim that that being so, and in view of the fact that last March I indicated clearly the very serious view that Government were inclined to take of these arguments, the Honourable Mover cannot expect that Government should lightly dismiss their arguments and express their concurrence with him.

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[Sir George Rainy.]

Pandit's meaning, but I do not think the words in his famous utterance are such as to convey it. "It is inconceivable" he said "that there can be any discriminating legislation against any community doing business lawfully in India.....

Pandit Motilal Nehru: In the Commonwealth of India when established.

The Honourable Sir George Rainy: "Any community doing business lawfully in India?" I fully accept the Honourable Member's statement as to what he meant, but I cannot admit that he said it on that occasion, and I think we are indebted to my Honourable friend Mr. Haji for bringing forward this Bill because it has given us an opportunity of eliciting what the real meaning of the Honourable Pandit is.

I would turn now—and what I have been saying about the statement of the Honourable Pandit leads up to it—to what I regard as by far the most important aspect of this Bill. It is this: In British Colonies and Dominions in many parts of the world, but especially in Africa, it is the duty of the Government of India to maintain an unceasing struggle in the interests of the Indians who have settled there; and our most powerful weapon has hitherto been the claim that the Indians who go to these territories are entitled to equal treatment as compared with other British subjects, and that there shall be no discrimination on racial grounds. The Honourable Mover and his supporters would disarm us and leave us helpless in the presence of the Governors of these territories.

Mr. Jamnadas M. Mehta: Question?

The Honourable Sir George Rainy: It is all very well for Honourable Members to say that this Bill is not discriminatory, but it is not their opinion that will count, nor is it the opinion of the Government of India that will count; it is the opinion of the Government of the Union of South Africa that will count. (*Lala Lajpat Rai*: "Which happens at present to be the case.") and the Government of the Colony of Kenya and the Government of the mandated territory of Tanganyika; and when our agents interview the authorities in these territories and ask for equal treatment and no discrimination, they will be met with the reply "Oh, why do you object to it? You do it yourselves." I will put it to the Honourable Member; I will make it very clear what I mean. If this Bill had been limited to this, that the coastal trade of India was to be reserved to nationals in the ordinary sense, and that is to companies registered in the country, which is the usual test of the domicile of a company, then I think he could have argued that there was no racial discrimination. But if 75 per cent. of the capital is to be reserved for British Indian nationals, if 75 per cent. of the managing agency is to be reserved for nationals, and if another 75 per cent. which for the moment has escaped my memory is also to be reserved, I say it is racial discrimination and nothing else. Assuredly I should feel myself perfectly helpless if I attempted the task of convincing General Hertog that this was not so. I do trust that the House will consider this subject very carefully, because it is of absolutely first class importance. I know perfectly well how deeply Honourable Members on both sides feel as regards the treatment of Indians in the British Dominions and Colonies. I am perfectly certain that the very last thing that they desire is to do anything which would restrict and hamper the power of the

Government of India, as the agent of India, to protect these people and to secure for them the best treatment possible. But I am very much afraid that if this Bill passes and becomes law, the effect upon the treatment of Indians in many of these territories could only be described as deplorable. I would therefore ask the House to think twice and three times before it agrees to this particular proposal.

I think, Sir, that I have very little to add to what I have said, and I should like to leave the matter there. The Government of India are unable to accept the motion for a Select Committee. I must leave it to the House to decide with a full sense of responsibility what they will do, but the Government of India must oppose the motion for referring the Bill to a Select Committee.

One word more, Sir. The Honourable mover said that any one who opposed this Bill must be regarded as definitely opposed to the development of an Indian mercantile marine. Well, Sir, I repudiate that. Honourable Members may believe me or not, but I cannot refrain from saying it, I repudiate that charge. I am sincerely interested, and the Government of India are sincerely interested in securing the development of an Indian mercantile marine.....

Mr. Jamnadas M. Mehta (Bombay City: Non-Muhammadan Urban): Is there any proof?

The Honourable Sir George Rainy: Honourable Members have said that we are very slow. It is not the first time that I have heard that particular accusation brought against the Government of India, and when that accusation is brought very frequently I am afraid there is sometimes something in it. But if we could once get this entirely impossible proposition, as I regard it, namely, the reservation of the coastal trade, out of the way, then we may be able to get down to business. I quite recognise that there are other aspects of the case which ought to be considered. If I am correct, as I believe I am, in thinking that there are other schemes which are likely to be brought to the notice of the Government of India at an early date, I can assure Honourable Members that these will receive careful consideration. But I want to make it perfectly plain that in opposing the reference of this Bill to a Select Committee, the Government of India believe that they are acting in the true interests of the country, and they also believe that it is impossible in any useful way to develop an Indian mercantile marine by the reservation of the coastal trade.

The Assembly then adjourned till Eleven of the Clock on Friday, the 14th September, 1928.

LEGISLATIVE ASSEMBLY.

Friday, 14th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

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(1) ALLEGATIONS IN CERTAIN NEWSPAPERS OF PARTIALITY AND BIAS AGAINST MR. PRESIDENT.

(2) ALLEGED PROPAGANDA BY THE HOME DEPARTMENT AGAINST MR. PRESIDENT.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I beg permission to draw your attention and the attention of the House to a series of gross violations of the privileges of this House which have taken place during the last few days. Statements and comments have appeared in the Press which constitute very serious charges against you, Sir, as President of this House and thereby against the honour of the whole House. The first of these charges was made in the *Times of India* in its issue of the 8th of September, and that is, as far as I can see, the beginning of this campaign of vilification. It is stated at page 9 of the issue of the 8th September :

" The Home Member this afternoon made his promised statement in reply to that by the President yesterday in regard to the institution of a separate Assembly Secretariat. A good deal of publicity has been done in preparation for this discussion in order, apparently, to prejudice the Government position. Your correspondent makes no suggestion that this publicity was inspired by anybody."

—I wish the House particularly to notice these last words—

" When the subject began to fill the air sometime ago he asked in a proper official quarter whether any information could be vouchsafed about it and was given, as a courtesy to the Assembly President, a polite but decided answer in the negative."

Now, Sir, it is a very common device adopted by journalists of a particular class to make a definite suggestion and say that no suggestion is meant. I submit that this denial of any suggestion—" your correspondent makes no suggestion that this publicity was inspired by anybody "—will strike any reader as a suggestion that publicity was done in favour of your scheme by yourself. Read the whole passage and examine it in the context in which it appears.

Then, Sir, we find another statement in the same issue and on the same page. It runs thus :

" The President then, without mentioning the Government's plea of urgency or referring to what the Law Member had said, ruled that as copies of the Bill had not been made available for three days the matter should stand over."

Here, Sir, is a clear charge of partiality against the Chair and it consists of an utter falsehood, namely, that you did not refer to what the Law Member had said on the motion in question. The House will remember that the motion was a point of order taken by me that it was *ultra vires* of this House to take up the consideration of the Bill called the Public Safety Bill. Then, there is a suggestion that you purposely

[Pandit Motilal Nehru.]

did not refer to the answer by the Honourable the Home Member to your question about the urgency of the measure. Now, the House will remember that, after I had made my motion and after some speeches were made by the Honourable the Home Member and others, the Chair was pleased to ask the Law Member who was present to help the House with his advice. The Honourable the Law Member relied upon the previous publication of this Bill in the Gazette and said that Order 38 upon which I relied did not apply. Immediately after that or in the course of the debate—I cannot say as to the exact point of time—the Chair was also pleased to ask the Home Member whether there was any urgency in the matter. As far as I can remember—and here I speak subject to correction—the answer was that the Government considered it to be a matter of great urgency. No special facts constituting the urgency were brought to the notice of the House, but what was stated was that in the opinion of the Government it was a matter of the greatest urgency. I shall draw the attention of the House now to your ruling, so that the House can see whether there is any foundation for the statements made which I have just read out. Your ruling is not a long one, Sir, and with your permission I shall read it :

"It is a very difficult question as the Law Member has already pointed out. I think all difficulties will be solved if I were to postpone a decision on this question. That will mean that the consideration stage would go to the next day and no difficulty would arise. But I do not propose to take that course. I take the responsibility of giving my own ruling, as I understand it. There is absolutely no doubt that this motion cannot be made unless copies of the Bill had been made available to the Honourable Members three days before to-day. The question is whether in this case copies of the Bill have been made available to Honourable Members three days before to-day. I am clearly of opinion that publication of the Bill in the Government Gazette cannot dispense with the obligation which is laid by the Standing Orders on the office to make copies available to Honourable Members."

I put it to the House whether this is not disposing completely of the argument of the Honourable the Law Member. The ruling continues :

"That expression has a special meaning attached to it by the Standing Orders, and in the absence of any direction by my predecessor as to the manner in which the Bill is to be deposited at the places in which it is to be deposited, I am afraid I must hold that copies of the Bill have not been made available to Honourable Members three days before to-day. I therefore rule that this motion cannot be made to-day, unless the Standing Orders are suspended. As no request has been made in this behalf, it is unnecessary for the Chair to consider that point."

Now, Sir, it is very true that you did not refer to the answer of the Honourable the Home Member to your question about urgency. As will be apparent to the House that question and that answer, if they were relevant at all, were relevant to the question of suspension of the Standing Orders. You disposed of that, Sir, by saying that there was no request before you and therefore you could not go into the question. I therefore submit that it is a malicious suggestion to say that you purposely omitted any reference to the answer of the Honourable the Home Member. That is number one.

Then we find it reported in the *Indian Daily Mail* of the 10th September, published in Bombay, which publishes a Free Press telegram stating the message the Simla correspondent of the London *Daily Telegraph* sent to that paper. It says :

"The Simla correspondent of the *Daily Telegraph* sends a lengthy report in the course of which he says :

What follows is a quotation—

"Pandit Motilal Nehru's scheme to outwit Government (by postponing the anti-communist Bill) succeeded, thanks to the responsive President of the Assembly...."

—The meaning there, the insinuation there, is quite clear—

"....President Patel"

—It goes on, (again a quotation)—

quite conveniently refrained from giving Mr. Crerar an opportunity to make an application for the suspension of Standing Orders...."

—This is a direct and definite charge—

"The decision given by Mr. Patel is regarded as illogical, to say the least, and it is strongly suggested...."

—I would call your attention to these words—

"....and it is strongly suggested that it was due to pressure brought to bear on behalf of Party interests."

(*Cries of* "Shame" from Congress Party Benches.) There cannot be a more scandalous libel on the President than this.

Mr. President : What paper is it ?

Pandit Motilal Nehru : This is a quotation from the message sent by the Simla correspondent of the *Daily Telegraph* of London, and I am reading from the *Indian Daily Mail* of the 10th September, 1928. Then it goes on :

"It is abundantly clear that the Department"—

—With reference to the Assembly Secretariat—

"cannot be separated from the Government and placed under the control of a body which from political motives misinterpret rules and regulations warping them to suit Party purposes."

This, I submit, Sir, is most malicious :

"He also says"

—This is the indirect report of the *Free Press* ; it is not in inverted commas—

"He also says that it is considered that the misuse of powers entrusted to alleged responsible men which is manifested to-day is a warning of the grave responsibilities involved in increasing the facilities for the Assembly in the matter of management and control."

Now, Sir, I do not know, who this Simla correspondent of the *Daily Telegraph* is, but if he is what he describes himself to be, he should be in the Press Gallery and subordinate to your jurisdiction.

Mr. K. Ahmad (Rajshahi Division : Muhammadan Rural) : You have also got the Reporter of the "Forward". Let him contradict it.

Pandit Motilal Nehru : Then we come to some very serious disclosures made in the *Pioneer* received yesterday. Here we have the correspondent of the *Pioneer* directly attributing certain conduct and certain statements to the members of the Government, to the Government as a whole and to some individual members of the Government, not named of course. It is stated here :

"No one would mind the intensity of the combat if it were being fought cleanly, but your correspondent is reluctantly forced to call to your attention certain features and tactics which must be denounced. There can be no doubt that a definite move in the Government game is the discrediting of the authority of the Chair.

Ever since the Commander-in-Chief episode at Delhi earlier in the year, Mr. Patel has been on the Government black list."

(Laughter.)

[Pandit Motilal Nehru.]

It is no matter for laughter ; it is a very serious matter.

" Long suspect, he is now openly accused in the Government lobbies by officials of being partial. ' It is a put up job ', was the comment of one official Member on Pandit Motilal Nehru's point of order on the Public Safety Bill. ' Patel is dead against us'."

The words " It is a put up job ", a remark attributed to one official Member on my point of order and the words " Patel is dead against us ' are in inverted commas.

Then it goes on :

" Nor does the antagonism to the Chair end there. The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly...."

Mr. President : What newspaper ?

Pandit Motilal Nehru :

" The Simla correspondent of a Government spoon-fed newspaper definitely accused the President of the Assembly the other day of doing publicity work...."

—This is the *Times of India*—

" for his scheme of attaching the Legislative staff to the Chair and wilfully misreported the decision of Mr. Patel on the question of the proper publication of the Anti-Bolshevist Bill."

This remark, I can say, is perfectly correct. There certainly was a misrepresentation of your decision. The comment goes on :

" More serious and more derogatory to the dignity of the Chair are the telegrams which are being sent to a London newspaper by a Press correspondent in close touch with the Government....."

This is important—Simla correspondent of the *Daily Telegraph* is " in close touch with the Government ".

" .... In these, Mr. Patel is being definitely accused of partiality and bias. Now, if there were any foundation for suspicion as to Mr. Patel's conduct in the Chair, the proper place to raise the matter would be on the floor of the House. This the Government dare not do, because they have no case. Their present underhand action is caused by their chagrin at not being able to have things all their own way and is an attempt to cover up the Parliamentary inefficiency of their Front Bench. It is difficult to believe....."

—Now comes the very important passage—

" It is difficult to believe that the responsible Government spokesmen are actively concerned in this nauseating propaganda....."

(*Cries of* " Shame.")

—Now come the important words :

" but your correspondent has definite evidence which goes far to incriminate the Home Department."

That is all that I need read, Sir. Here are definite charges, made by the special correspondent, as he calls himself, of the *Pioneer*, both against the Government as a whole and some official Members who are not named here. It is suggested, Sir, that you put me up to raise that point of order, that it was a put up matter between you and me and that it was prearranged that my point of order would be allowed. That is the suggestion made. Now, I want to explain to the House my part in the raising of this point of order. It struck me late on Saturday night. I consulted nobody, and I felt that it was a point which needed looking into for which I had no books at all. The next day was a Sunday and the Library would not be available to me. Well, it struck me that I might with propriety ask the President to help me in this matter and I phoned to Mr. Patel if he could kindly oblige me by getting me some books that I

wanted on a Sunday : he replied he could. The next day I sent through my typist a list of the books I wanted, and a couple of hours later I found those books in my room. A chaprasi of Mr. Patel brought them. I do not know where they came from, but of course, they were Government books, and came from some Government Library. Then I studied the point. I made my notes. But I was undecided up to the very last moment whether I should take the point or not. On Monday morning, when I attended at question time, I went over to my Honourable friend Lala Lajpat Rai. I consulted him whether it was a point that I could properly take. The aspect which I put before him was this, that my point was based on the inherent rights of Englishmen and the liberties of Englishmen and whether it would look proper for me, an Indian, to champion the cause of Englishmen in this House. Lala Lajpat Rai gave me the advice that it was a point which should be taken and that it did not matter whether it was the championing of the liberties of Englishmen or of any other class of people. It was then and not until then that I made up my mind to take that point. I believe my Honourable friend, Mr. Birla, was also present at this conversation between me and Lala Lajpat Rai. So that you will see that it is a most pernicious thing to say that this was a pre-arranged thing, when the Mover, namely, myself, was not certain up to the very last moment if he should take the point of order or not. Then I can say, and I say this most emphatically before this House, that I never had and do not have up to this moment the faintest inkling as to what your ruling is going to be upon that point of order. This charge then against you and me, and I will say, against the whole House, is a most scandalous libel and the grossest violation of the privileges of this House and must be dealt with severely. Now, Sir, I do not know what you will do, but I submit that if an enquiry is necessary you will be pleased to hold that enquiry about these allegations against Government as pointed out by the *Pioneer*. As regards the telegram to the *Daily Telegraph* which was cabled out here and also the remark of the *Times of India*, I submit that you have ample jurisdiction to deal with them on the spot, but, of course, I will take your ruling whatever it is. I do not wish to take up any more time of the House. My business was simply to draw the attention of the House to these gross abuses of privilege and I leave the matter entirely in the hands of the House and of the Chair.

Mr. President : Before the subject matter raised by the Honourable the Leader of the Opposition is further discussed, I should like to clear the atmosphere by making a few observations. There are, as I understand, four points involved in the statement made by the Honourable the Leader of the Opposition and the report of the Special Correspondent of the *Pioneer*. My attention was first drawn yesterday by the Leader of the Opposition to that report. I asked him to give me a copy of the *Pioneer* which he did in the afternoon and I carefully read it.

As I have said, four points arise. One is the conduct of the Correspondent of the *Times of India* ; the second is the conduct of the Simla Correspondent of the London *Daily Telegraph* ; the third is that Government and particularly the Home Department are engaged in what this paper describes as a " nauseating propaganda " to discredit the Chair ; and the fourth is that some individual officers of Government at any rate

[Mr. President.]

are busily engaged in such propaganda. These are the four points involved. I should like further to explain what I know with reference to the request made by the Honourable the Leader of the Opposition for books in connection with the point of order which he had raised the other day. On Saturday night, when I was about to retire, I was 'phoned up by the Leader of the Opposition and asked whether I could help him to get some books which he wanted next day, namely, Sunday. I at once replied : " Would you kindly send me a list of the books to-morrow and I would try ". Next morning I got the list from him and put it on my table without even looking into it. I then 'phoned up Mr. Dhurandhar, the new Secretary of the Assembly, and asked him whether he would be good enough to find out the Librarian and send him on to me. He said he would do it. After an hour the Librarian appeared and I asked my chaprassi to hand over the list which was lying on my table to the Librarian and told the Librarian to get the books which were required. I was then about to go out for a walk. I left word with my chaprassi that if the books came they should be immediately sent over to Pandit Motilal Nehru in Room No. 158, Cecil Hotel. When I came back, my chaprassi gave me the news that the books had been brought and were duly handed over to the Honourable Pandit. It was brought to my notice next evening that one official Member was openly saying that he could not possibly believe, that he did not believe, and that he refused to believe, that I was taken by surprise by the point of order raised by Pandit Motilal Nehru, and the reason he gave was that I had sent for books from the Library and I could not possibly be unaware of the point of order that was raised by Pandit Motilal Nehru. After this was brought to my notice, I asked the new Secretary of the Assembly as soon as I met him next morning as usual in my office : " What is the meaning of all this ? I 'phoned you up. I asked you to send me the Librarian, and how is it that Government were put in possession of that information ". He immediately told me that he was in a certain room in a particular office yesterday, *i.e.*, Monday, and there the Librarian was sent for by one Honourable Member and asked whether I had sent for certain books from the Library on Sunday. He further said that he himself was asked whether I had sent for certain books. I wondered whether I was really the President of the Assembly or was I a suspect and criminal that my movements were being watched in this way ? (*Some Honourable Members on the Congress Benches* : " Shame ".) Order, order. I do not wish to mention the name of the Honourable Member nor do I wish to go further into this matter. (*An Honourable Member* : " The House demands it ".) I now ask the House to confine their discussion to the four points which have been raised by the report of the *Pioneer* and by Pandit Motilal Nehru. There is one matter which I should like to know before we proceed further. I would ask the Secretary to tell the House who the Simla correspondent of the London *Daily Telegraph* is, whether he enjoys the privilege of a seat in the Press Gallery and when was the ticket issued, and by whom.

Secretary of the Assembly : I find from the correspondence that has been received in the office (*Honourable Members* : " Louder please. We cannot hear you ".) that the Simla correspondent of the *Daily Telegraph* and the *Morning Post* is one Mr. Rice.

The Honourable Mr. J. Crerar (Home Member) : Mr. President, in spite of the somewhat elaborate speech which was made by the Honourable Pandit, I confess that I have some difficulty in appreciating what the precise proposition is which he has laid before the House. I understand, however, broadly that he wishes to raise in a general way the question of a series of comments, which he largely quoted, dealing with the rulings and the actions of the Chair. He quoted those statements at some length and I presume that he expects me to make some reply as regards them. Now, so far as matters relating to the Press are concerned, two points appear to arise. The Honourable Member made a reference to admission to the Press Gallery. As regards the particular point of admission to or exclusion from the Press Gallery and the grounds on which action in that connection ought to be taken, that is a matter entirely within your discretion and I have no observations to make with regard to it. As regards the general question of comment and criticism in the Press, that may very well be a matter for the consideration of the House, but it is not one for which I, either personally or on behalf of the Government, can assume a responsibility to reply, to criticise, to approve, to disapprove, to associate myself or dissociate myself. In spite of what has been frequently urged in this House, the Press of this country is a free press and any comment contained in that Press, so long as it is within the limits of the law, is not a matter with which Government or any individual member of Government can concern himself. Apart from that, the Honourable Member referred to conversations which I understand are reported to have taken place in the Lobby or somewhere in the precincts of this House. Now, on that point, my answer is short and straight. I am prepared to accept responsibility to this House for anything I may say upon the floor of this House. Any other member of Government or any other Government official is prepared to answer for anything which he says on the floor of this House. But neither I nor any other official Member can be prepared to answer for conversations reported to have taken place or gossip alleged to have transpired in the Lobbies or in the precincts of this House.

Mr. President : Is it the view of the Honourable Member that official Members are entitled to impute partiality to the Chair in the Lobbies ?

The Honourable Mr. J. Crerar : On the question whether they are entitled to do so, I am strongly of opinion that they are not. My contention is that if conversations of that character take place in the Lobby, that is not a matter for which I can reasonably, properly or even decently be expected to accept responsibility.

Now, Sir, I pass on to the particular point referred to by the Honourable Pandit, that is to say, the allegation contained in a newspaper that Government was concerned in this alleged propaganda. A communication has already issued to the Press on that point and I repeat here on the floor of the House that the suggestion—it is more than a suggestion, it was an assertion—that Government or any official Members here present had any participation in the alleged propaganda is false *ab initio* and *in toto*. As regards the wider matter of controversy, since I understand that my opinion is required I shall merely say this. It is impossible, Mr. President, for any one in a high public position—a position

[Mr. J. Crerar.]

so high, so responsible and so important as your own—to secure that in the exercise of his powers no complaint should ever be made against his decision or that no one should ever be aggrieved. That is, no doubt, particularly true of the President of a Legislature to whom it necessarily falls to deal frequently with matters of very acute controversy. The Government of India cannot profess to be unaware that such complaints have found expression. But for their own part they have never allowed anything of that nature to influence their respect for the Chair and their desire to join in upholding its dignity and authority. I myself, Mr. President, am extremely sensible of the necessity, in the interests both of this House and of the public, of relations of mutual confidence and collaboration between the Chair and the Leader of the House and it is my desire and intention to do all that in me lies to maintain and confirm them.

Mr. President : May I know one thing from the Honourable the Leader of the House ? Is the Leader of the House, on behalf of the Government, prepared to take action against official Members or Members who, if the report is true, are carrying on this propaganda described now.

The Honourable Mr. J. Crerar : I am prepared to consider that matter when definite and reliable material is placed before me.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : I think the Honourable Pandit Motilal Nehru has done a public service by bringing certain Press matters to the notice of the House this morning. When the debate took place on the adjournment motion moved by my friend Mr. Gaya Prasad Singh, I thought we had seen the last of press controversy and press attacks on the President, but that was not to be. In a subsequent issue, dated the 8th, the *Times of India* almost repeated its previous performance. It has been reproduced *in extenso* by Pandit Motilal Nehru and I need not repeat it. All I can say is that insinuations and aspersions of that character are unworthy of any respectable journalist.

Now, Sir, I come to another point ; that is the cable which is reported to have been sent to England by the correspondent of the *Daily Telegraph*, a paper owned by Lord Burnham.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : He has sold it, has he not ?

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir Hari Singh, your information unfortunately is in most cases wrong. I read the following from the Orient Press Service. The Simla correspondent of the *Daily Telegraph*.....

Honourable Members : We cannot hear you.

Mr. K. C. Roy : The Simla correspondent of the *Daily Telegraph* cabled the following message regarding the Honourable Mr. Patel's ruling on the introduction of the Public Safety Bill :

"It is difficult to find a more conclusive evidence of India's unfitness for self-rule than in the example given in the Assembly to-day."

Then it continues—I do not mind the correspondent's opinion so far as our fitness for self-rule is concerned, but this, Sir, is the most cardinal point :

"The decision given by the Honourable Mr. Patel is regarded as illogical to say the least, and it is strongly suggested that it was taken by the President on behalf of party interests."

I consider, Sir,—and I repeat the view of the press men in the Press Gallery—that this is a malicious libel on the President. For some time past the conduct of a few press men has been a matter of no little concern to me. I have been very anxious about their conduct and I have been making anxious inquiries. My inquiry was first addressed to the most senior member of the Press Gallery who has served the Central Legislature for forty years, and this is what he wrote to me :

"In reply to your query I am extremely sorry that Mr. Rice who has recently joined the Press Gallery should have sent a telegram to a home paper reflecting on the fairness of a ruling by the President, Mr. Patel.

After attending legislative meetings for nearly 40 years I can only say that I regret the bad taste of a brother journalist, and I put his action down to his youthful inexperience of Assembly etiquette. Mr. Patel has always been most courteous and considerate to those in the Press Gallery, and the incident, to say the least of it, is most regrettable. I think this letter fairly reflects the general opinion of the Press Gallery."

I consulted several Indians who are also senior in the profession, and they have endorsed the view taken by Mr. Buck who for 40 years has served this Legislature. In the circumstances, Sir, if you take any notice of the delinquents, they will fully deserve it and you will have nothing but the heartiest support from the Press in India, both European and Indian. I have often heard allegations made regarding Indian press men, and the present Under Secretary of State, Lord Winterton, speaking in the House of Commons described Indian press men as gutter snipes of the Press. I should like to tell Lord Winterton where to look for them !

Mr. President : Does the Honourable Member remember the names of the members of the Press Committee appointed by the President ?

Mr. K. C. Roy : I do not remember, Sir, but I know that the Press Committee is a very able Committee presided over by the Honourable Mr. Haig.

Mr. President : Is the Honourable Member himself a member of that Committee ?

Mr. K. C. Roy : I am, Sir.

Mr. President : Was the Honourable Member a party to giving a ticket to Mr. Rice ?

Mr. K. C. Roy : Certainly not, Sir. I was not asked, and if I had been asked, I would not have given it to a stray journalist like Mr. Rice, a free-lance journalist like Mr. Rice.

Mr. President : Was not the Press Committee asked, Mr. Dhurandhar ?

Mr. L. Graham (Secretary, Legislative Department) : Sir, admission to the Press Gallery, as you are aware, is settled in accordance with the regulations which were framed by your predecessor, Sir Frederick Whyte ;

[Mr. L. Graham.]

and after the regulations were first framed by him, the suggestion was made that as Sir Frederick Whyte was not aware of the qualifications of the various journals which apply for admission, an Advisory Committee should be set up to assist the President. We were not obliged to accept their opinion of course, and, Sir, that Committee has functioned now for some four years. The position is that all the correspondents of papers who have at any time had a seat obtain their seats in the ordinary way. Mr. Roy, I think, has a regular seat, as also the representatives of the Associated Press and the representatives of various papers—the *Pioneer*, the *Times of India*, etc. Thus all correspondents who have once been admitted on the recommendation of the Committee, as also with the direct approval of the President, if they apply again, are not put through the initial processes, are not required to come up for tickets. That, Sir, as far as I remember, was the practice established by Sir Frederick Whyte. Now, Sir, with regard to the gentleman who is now described as the correspondent of the *Morning Post* and the *Daily Telegraph*, he has previously occupied a seat in the Press Gallery in accordance with the ordinary provision, Sir, as the representative of the *Pioneer*. I think he first came up here in that capacity in 1925, Sir: and subsequently when his application was received on this occasion, although he did not apply as the representative of the *Pioneer* but as the representative of two English daily newspapers, it was not considered necessary.

Mr. President : By whom ?

Mr. L. Graham : By me, Sir, acting as your deputy, to refer the question either to the Committee or to you, Sir. The practice, Sir, was started in the time of Sir Frederick Whyte of accepting the recommendations of the Committee. You, Sir, have seldom been troubled, as Sir Frederick Whyte also was seldom troubled. I have a distinct recollection in one or two cases taking your orders ; I cannot say which exactly ; but I trust, Sir, that your memory will confirm mine.

Mr. President : This was not one.

Mr. L. Graham : As I think the occasion did not arise. In accordance with the practice that the President is not to be troubled with these matters, which has been in force for a long time between the President and the Secretary in the Legislative Department. Any new application is regularly sent, as I think Mr. Roy will agree, to the Committee : and no doubt, Sir, he will let me say that we have very much valued—and I think you, Sir, will agree with me in this—the recommendations of that Committee, because they have made our path clear, as the position often is difficult, and it is an unpleasant task to refuse an application to the representative of a paper on the ground—as is frequently stated—that the paper is not of sufficient importance to receive a place in the Press Gallery I think, Sir, I have now made my position clear. As regards this particular correspondent, he has previously obtained a seat in the Press Gallery in a regular manner, and it has not been our practice to require fresh applications on the occasion of the following session.

Mr. President : I have made this inquiry, because there is a definite allegation in the report of the *Pioneer* that the Press correspondent referred to is in close touch with the Government. Now I would like to know from the Leader of the House if this correspondent is in any way connected with Government or enjoys any subsidy from them.

The Honourable Mr. J. Crerar : I have not the slightest reason, Sir, to suppose that he is in any closer touch with the Government, than the correspondents of other newspapers of wide circulation.

Mr. Arthur Moore (Bengal : European) : Sir, Mr. Roy mentioned Lord Burnham. That I think is a very important matter because he is a Member of the Simon Commission and it ought to be made clear to this House that before Lord Burnham came out to India he sold out the whole of his interest in the *Daily Telegraph* ; so that he cannot be in any way connected with this very serious criticism upon yourself, Sir. And I am sure that we are right in assuming that it would cause him the very greatest dissatisfaction.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I would like to associate myself on behalf of myself and the Party I have the honour to represent, with the remarks made by the Leader of the Opposition. I endorse the statement of facts made by him as regards the consultation he had with me on the point of order, and I beg to submit that it is high time that this campaign of vilification should be seriously taken notice of. It has been going on for some time and we have reason to believe that it has not been going on without some support on the part of the officials. I am glad to have the assurance of the Leader of the House that the Government as such, and he, as a Government Member, has no sympathy and has nothing to do with this campaign of vilification. But I was very seriously disappointed at his not making any remarks about the process of spying on the movements of the President to which the President referred with regard to his getting certain books from the Library. I submit that the conduct of that official who conducted that espionage was simply disgraceful, and this House will be perfectly justified in asking the Government to find out who that official is and to punish him for that disgraceful conduct. It cannot be tolerated for a moment that the President of the Legislative Assembly should be followed and shadowed like that by a subordinate official of the Government, and it would have been consistent with the dignity of the Government and also consistent with the dignity of this House if the Honourable the Home Member had said something about the conduct of that official. Of course everybody has a right to express his opinion on the merits of a question ; so has a newspaper, and so has every Member in private talk. But when he begins to impute motives ; when he says that the question is a " put up " one ; when he insults the President of this House, and through the President this House—then I think it becomes the duty of this House to interfere. The Leader of the Opposition has done a great service to this House in bringing this matter to its notice. We think it is high time that serious notice of these things should be taken, not only by you in the exercise of the powers conferred upon you for upholding the privileges of this House, but also by the Government for the sake of their own good name. This thing has been going on for some time Malicious attacks have been made upon the Chair by one paper in India at least and by the *Daily Telegraph* and also I think some other paper in England. The last time when a motion for adjournment was proposed to censure the conduct of the *Times of*

[Lala Lajpat Rai.]

India the President ruled that that motion was not in order. But the fact remains that the *Times of India* has been engaged in the campaign of vilification for some time ; and we know of course—though it may not be perfectly official—that that paper and some other papers in India are in the confidence, if not of the Government, of high officials of the Government. And therefore I think it is the duty of the Government to dissociate themselves entirely from this campaign of vilification, and not only dissociate themselves simply by words and assurances but by taking action against those officials who have been associating with these papers and supplying information or encouraging them. This has taken place several times in the House of Commons and the question of privilege has been raised there and notice taken of such things. This is evident from Erskine Mayo's Parliamentary Procedure, page 89 :

"Reflections on the character of the Speaker and accusations of partiality in the discharge of his duty have been treated severely by the House. On the 11th February, 1774, the Speaker informed the House of a letter in the *Public Advertiser* newspaper addressed to him reflecting on his character and on his conduct as Speaker. The House ordered the printer to attend, and resolved that the letter was 'a false, malicious and scandalous libel highly reflecting on the character of the Speaker of this House to the dishonour of this House and in violation of the privileges thereof'. The printer was declared to be guilty of a breach of privilege and committed to the custody of the Sergeant-at-arms."

Exactly what this House should do in this matter or exactly what the Government should do I am not in a position to state at present. But I can only endorse the remarks made by the Leader of the Opposition that the matter is so serious that it should not be allowed to go unnoticed, and it is high time, as I have said, that some serious notice of these things be taken. The Government can find out the name of that official who was spying on the movements of the President, because the President knows it, and also make an inquiry as to that official who made that remark in the Lobby to which reference was made. Therefore, I submit the mention of this matter by the Leader of the Opposition is perfectly opportune, and I must repeat that I was very much disappointed at the tone of the speech made by the Honourable the Home Member. It was more a technical speech, rather than the speech of a representative of Government who had good will and wanted to extend that good will towards the President. He ought to have warmly and strongly condemned the conduct of that official who was spying on the movements of the President and also of the official who made those remarks in the Lobby. Possibly all that he can do is to censure them, but he has not done it, or rather he has done it in a very half-hearted way. The very tone of his reply shows that there is something behind it, that there is something in the mind of the Government officials which of course they are not at full liberty to disclose, which is at the bottom of all this agitation and vilification against the President. I want to say on behalf of this side of the House that we have the fullest confidence in our President and in his impartiality, and I think he is an honour to the country and to this Legislature in the manner he has discharged his duties ever since he has been entrusted with them. If the Government have any doubt in the matter I challenge them to bring a vote of censure on the Chair. That is the proper procedure. It is cowardly for officials to go behind his back and go on making charges and imputations of this kind and not to put them before the House. This House is the proper

tribunal before which any charge of partiality against the Chair ought to be brought and we shall be at full liberty either to negative or to pass that vote of censure. In any case this kind of thing ought to be stopped. Either the Government should have the courage to put forward that motion and take the verdict of the House, or they should stop all officials from vilifying the Chair. This has been going on so much and behind the purdah, so to speak, that it is high time the whole thing was put before the House. I also take the opportunity to inform the Honourable the Home Member and the Government that they are not improving their position in the country by these practices. They want us to co-operate, but is this the way to ask us to co-operate ? They are just making their position worse by this kind of policy of pin-pricks, by attacking the honesty of the President of this House and this Assembly itself. In attacking his impartiality and his lack of common sense in deciding points of order, what is meant to show is our incompetence for the purposes of the grant of further powers to us.

I deny that charge with all the emphasis and all the indignation
12 NOON. that I can command and I trust that all Members on this side are with me in this repudiation and in challenging the Government that if they have got no confidence in the Chair they ought to bring a motion of censure. I therefore associate myself fully with the remarks made by Pandit Motilal Nehru.

Mr. L. Graham : I understand, Sir, that I am charged and I am extremely sorry that the charge has been made. I am further extremely sorry that you did not give me a chance of giving a personal explanation before launching the charge in this House. Now, Sir, as to the facts.....

Mr. President : I did not mention the Honourable Member at all. I thought of speaking to the Honourable Member concerned in my room and therefore I kept him nameless.

Mr. L. Graham : It is obvious that it refers to me ; it is perfectly plain to the whole House and I think I am entitled to ask your leave to give a personal explanation. The position, as far as I am concerned, is very simple. I was informed, as you say, by the Secretary of the Legislative Assembly on Monday morning that you, Sir, had asked him to send to you the Librarian.

Mr. President : Without enquiry ?

Mr. L. Graham : Without enquiry, Sir.

Mr. President : It is news to me.

Mr. L. Graham : I hope the Chair will accept what I say. The Secretary, for whom I also offer an explanation, was under the impression that certain of these books were sent from the departmental Library ; he said that the President sent for certain books on constitutional law—he did not know what books. He thought it possible that some of them had been taken from the departmental Library. Sir, as Deputy Secretary of the Legislative Department, he felt it right and proper to speak to me. Your predecessor, Sir, was frequently in the habit of taking books from the Legislative Department Library, and, as a matter of courtesy, shall I say, he invariably used to ask the Secretary of the Legislative Department personally whether he could spare those books. I

[Mr. L. Graham.]

make no suggestion, Sir, that I should have been asked on this occasion, but I think the Deputy Secretary in the Legislative Department felt justified in informing me that he had sent for the Librarian for the purpose of sending the books. My object, Sir, thereafter in sending for the Librarian was to know whether the books had been taken from my departmental Library, for which I am responsible, or from the Assembly Library, for which I am not responsible. The books, I was told, were books on constitutional law, and that, Sir, did happen to be a matter of great interest to me personally, because, we, on this side, have to try to anticipate the points of order which are likely to be raised. I had an impression that the point of order was likely to be raised that morning and consequently I was, I admit, curious to know, Sir, what books had been taken out, because I was to try and conjecture what point of order was likely to be taken. I trust, Sir, that you do not think that conduct was in any way reprehensible. That, Sir, is my answer in respect of the alleged spying on the President. (Applause.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, allow me to associate myself, and associate myself wholeheartedly, with the protest which has been entered against the mischievous and scandalous attacks which have been made by certain mischievous papers against the integrity and independence of the Chair. No doubt, Sir, these aspersions and allegations are not only made as an attempt to lower the prestige of the Chair only but the prestige of the whole House, and certainly, Sir, it is high time that the strongest measures that are in your power may be taken against the mischievous persons who have taken up the propaganda of discrediting the prestige and honour of this House. At the same time, Sir, I consider that the aspersions and allegations which have been made by the correspondent of the *Pioneer* against the Government members, are as serious and as scandalous as those which have been made against the President of this House, and no doubt, Sir, they are as much lowering the prestige and the honour of this House to make wanton attacks on the honesty of the Government members as on the impartiality of the President, and I hope, Sir, that if the allegations and aspersions, scandalous and mischievous as they are, on the Government Members, are found to be false, the same measures will be taken against the correspondent of the *Pioneer* as are necessary to be taken against the correspondents of the other papers to whom these aspersions are ascribed. (Applause.) I have no doubt, Sir, that we have full confidence in your integrity and we hope that this malicious propaganda which is being made by these mischievous papers will not in any way, either in India or in England, lower the prestige of this House ; on the other hand it will show that this is a set-up propaganda in order to show to the world, especially at this time when the constitution of this country is in the melting pot, that we are not fit to rule our own affairs. This is, I believe, the chief aim and object of this propaganda, which is being carried on by these mischievous correspondents of English papers. But I think that by making this propaganda they cannot succeed in their attempt. For the last four years, since you have been President in this House, you have conducted the proceedings of the House with as much dignity, with as much honour and with as much independence as any of the greatest Presidents of the House of Commons. (Applause.) With

these words, Sir, I associate myself with the protest that has been lodged, and I hope, Sir, that you will take the strongest measures in your power and will see that these mischievous correspondents will not be found in the Gallery of the House any longer.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, I am sorry to say that while the speech of the Honourable the Leader of the House was emphatic it was also unsatisfactory. It showed an attitude of aloofness and painful detachment on this very important matter. He told us that Government neither confirmed nor repudiated, neither associated with nor dissociated from, neither approved nor disapproved the attacks against the Chair. Is this the attitude of Government when scandalous and malicious telegrams have been published in the Press reflecting on the impartiality of the Chair ? And if that is so, is it right and proper ? I say, Sir, it was the clear duty of the Government emphatically to repudiate and wholly to dissociate themselves from this malicious and mean propaganda, and I am sorry that they have not done so. Sir, the main object for which I have ventured to take the time of the House is this, that so far as the question relating to the issue of books by the Leader of the opposition is concerned, I have some personal knowledge of the unworthy suspicions and regrettable insinuations that have been made on Monday last, after the Leader of the Opposition had raised the point about the *ultra vires* character of this legislation under the Government of India Act and after the House had risen for the day, I happened to meet two European Members, one a Member of the Government and one a non-official elected Member, and I was told by them that the President's statement that this point of order had taken him by surprise was, to say the least, wholly inaccurate, that they refused to believe that the President was taken by surprise. As a matter of fact, they said, he had sent for the books to consult the various authorities and in their opinion it was therefore entirely untrue to say that he was taken by surprise. (*An Honourable Member* : "Names, please.") No, Sir, I do not want to add to the bitterness of the situation. I expressed my surprise to the non-official Member that he should say so of the President for whom, I understood, he had the highest respect. I told the official Member that he was biassed against the Chair if he could read in such an innocent fact of the issue of books from the Library a knowledge on the part of the Chair that the point of order was going to be raised.

Mr. H. G. Cocke (Bombay : European) : Sir, I shall not take up the time of the House for more than a few minutes. I wish to advert to the speech of the Honourable Pandit, who told us that he decided at the very last moment to take up the point of order. I do not doubt that for a single moment, but he went on to say that if the Government had considered the motion they wished to make as being urgent, they should have asked the Chair to suspend the Standing Order. You will remember, Sir, that the point of urgency was touched upon by Lala Lajpat Rai, and that I followed him and proceeded to discuss the point of urgency when you ruled that that point was not before the House. Members were, therefore, given no opportunity of discussing the point of urgency before the decision of the Chair was given. I did not fail to say that the Standing Order should have been suspended to enable the technical point to be got over.

Lala Lajpat Rai : It was a Government Bill, and it was for the Government Member to raise that question of urgency and to ask the President to suspend the Standing Order, not for you or for me.

Mr. H. G. Cocke : I am perfectly well aware that the Government Member could have raised this point, but at the same time any Member had the right also to raise the point of urgency. The Chair, however, ruled that it was not before the House ; therefore any question of suspending the Standing Order on the ground of urgency could not be raised by this House.

Mr. President : The Honourable Member knows that the report in the *Times of India* does not mention the Honourable Member's name. It refers to the Leader of the House by name.

Mr. H. G. Cocke : Lord Balfour once said that he never read newspapers, and I seldom do. I merely skim them and do not profess to be in touch with all the comments which have been read out to-day, but I do not think it fair to say that Government had a proper opportunity of raising the point of urgency before your decision was given.

As to your relations with the Press, Sir, I agree with the Honourable the Home Member that it is not a matter upon which he would have any right to criticise, unless those comments overstepped the bounds of fair comment. When they do, this House has every right to raise the matter. I am not prepared to take up that issue whether any particular comments made on your recent ruling have overstepped the bounds of fair comment or not. We have a free press in this country, and personally I am all against restricting comment. There must be some limit obviously to the criticisms of the Chair, and there is no doubt that on occasions the rulings of any Chairman of any Legislature are apt to be criticised. I have not the least doubt that the Speaker of the House of Commons has been criticised in the Lobby many times, and we all know that certain Assembly rulings have on occasions been criticised in the Lobby by Members of all sides of the House. I do not think that such Lobby gossip can enter into discussions in this House. We can hardly be expected, when perhaps a somewhat doubtful decision is given by you, Sir, to go into the Lobby with our lips sealed, and abstain from comment thereon. I think it quite wrong to bring any Lobby gossip up in the course of this discussion.

As regards the explanation about the books, it is obvious that an impression had been created that the books had gone to you, Sir, and obviously someone was wrong in that impression. Somebody jumped to the wrong conclusion ; they could not reconcile the despatch of the books to you with the statement that you had made. Who was responsible for that comment I do not know. It is unfortunate that this happened. I wish to say that no Party in this House has upheld the dignity of the Chair more consistently than the Party on whose behalf I speak, and they will always endeavour to do so.

Mr. President : I would like to ask the Leader of the European Group whether, in the opinion of his Party, Members of this Assembly are allowed, or should be allowed, without notice by this House, to make any imputation of partiality against the Chair, and whether, because there is a free press in this country, the Press should be allowed to indulge in accusations of partiality against the Chair.

Mr. H. G. Cocke : I do not think that the Press should engage in anything but ordinary fair comment. But it is sometimes very difficult to draw the line. As regards the Members, they have every right in private conversation to say anything they like. (Cheers.) Of course it is obviously wrong to bring the dignity of the Chair into contempt, and to criticise publicly his rulings as being partial.

Mr. President : I have not been able to follow the Honourable Member. Is it the view of the Honourable Member and his Party that because there is a free press in this country, the Press should be allowed to indulge in accusations of partiality against the President of this Assembly ? And is it also the view of the European Group that Members of this House, official or non-official, are allowed to indulge in such criticisms in the Lobby against the Chair ?

Mr. H. G. Cocke : As regards the Press, I do not agree that the Press ought to impute partiality to the Chair. But there may be comment which is allowable without definitely imputing partiality to the Chair.

So far as Lobby gossip goes, I am afraid it is not possible to control the lips of Honourable Members.

Mr. President : Is it open to the Honourable Member to go into the Lobby and say that the President was influenced by Party interests in giving a particular ruling ?

Mr. H. G. Cocke : I did not say that. I said comment.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, my colleagues of the Independent Party desire that I should convey to you their resentment at the malicious criticism which has been under reference in the House.

The Honourable the Home Member suggested that everybody who works in public should have broad backs for criticism of this nature. We in this House are accustomed to carry broad backs, but we are jealous as far as the President of this Assembly is concerned. It is only proper, Sir, that those who enjoy your hospitality in the Press Gallery should realise their responsibility and not indulge in anything that verges on malice or ill will. In the ordinary course, a casual remark would not have been taken notice of by either my Honourable friend, the Pandit, or Lala Lajpat Rai.

But, Sir, there has been a continuous effort at this campaign of vilification of the Chair, an effort to provoke this House, at least this part of the House, to assert that they will not allow and will not stand any further vilification of the President of this House. (Hear, hear.) The debate this morning, if it proves anything at all, proves one thing and that is, that this House, now that an opportunity is available, strongly disapproves of the continued attacks on the President. If I may go further, I will say, although there is no motion before the House, that we should like you to take such steps regarding the members of the Press Gallery, as you think necessary to vindicate the honour of, and discipline within, this House. Sir, my Honourable friend Mr. Cocke referred to the freedom of the Press in this country. We, Indians, want a free Press more than any other section in this country, but we want that free Press to behave with decency and in a manner which will not lower the dignity of the Legislative Assembly and its embodiment, the President, wantonly and in a manner which is almost disgusting. If one had a right to stand up for a free Press,

[Sir Purshotamdas Thakurdas.]

one had also a duty to see that the impartiality of the President is not questioned in such a partial and prejudiced manner and spirit.

There should be no difference of opinion as regards the impartiality of the Chair. As the President of the Legislative Assembly, he is elected by the whole House, the Indian as well as the European group. We should all stand by the Chair, and protect it from such vilification as is under discussion now. The correct and manly method would be, for any disgruntled section of the House, to bring in a vote of no-confidence in the President and the majority of the House know exactly how that motion would be received.

One word more and I have finished. Mr. Cocke referred to the Honourable Member Mr. Graham's explanation regarding the books. I have heard his explanation and all that I will say is that it strikes me that if he wanted any further information on that score, instead of finding it out from the Librarian, or the Secretary, his proper course was to see you, Sir, in your room and find out from you what his curiosity demanded. To that extent, I feel that the separation of the Legislative Assembly Secretariat from the general Secretariat is more than justified and that demand has now been proved to be not premature.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I do not know how to enter into this debate. All that I can say is that the dignity of the Chair and the honour and respect of the President must be maintained. (Hear, hear.) I do not believe that there is a single Member in this House who thinks otherwise. As far as I have learnt from the speeches of all the Members who have spoken on the subject from this side or that side of the House, I think they are all unanimous on the point that the *President commands their confidence* and respect and that the dignity of the Chair is the one wish they have in their mind to maintain. I also associate myself with the desire of the whole House to uphold the dignity of the Chair and the honour and respect of the President.

Mr. Muhammad Yamin Khan (United Provinces : Nominated Non-Official) : Sir, this controversy, to my mind, has arisen only out of misunderstanding which had been caused through some misunderstanding which had crept into the minds of the people who were not really aware of the true facts as has been revealed by the Honourable Mr. Graham. The indictment of the Government Member coming from Lala Lajpat Rai was, I suppose, based on some misunderstanding. If he had waited to listen to the explanation given by the Member of the Government, whose name you did not mention and who could not therefore get up earlier, if only my Honourable friend Lala Lajpat Rai had listened to the explanation, he would not have said what he uttered in his speech. For this House to take any action against or to speak in such loud terms against any Member of the House who happens to be only a member of the Government is not dignified, unless the House and all the Members of the House are in possession of facts which can be available to them. I suppose after hearing the explanation of Mr. Graham everybody in the House is of opinion that the drastic action which Lala Lajpat Rai wanted the Government to take against the Government official is absolutely unnecessary and that his suggestion is only based on a misunderstanding.

The second point to which I want to refer on behalf of the Members with whom I am closely associated is that we have got confidence in you, as the President of the House. If anybody is aggrieved and if anybody has any objection against your continuing as President, the best course for him is to bring a motion of no-confidence in you. The fact that nobody has brought in any motion of no-confidence shows that we have full confidence in you and we will continue to repose confidence in you until and unless we take a different action in this respect.

Then, Sir, about the comments in the Press I do not want to say much about that. But I think it will be setting a very bad example if the House were to indulge in petty criticisms about the comments which might be made in different parts of the country or in different parts of the world. We can only confine ourselves to the actions and criticisms which come from the Press in India, if they are maliciously and deliberately meant to mislead the public. I heard carefully the argument of the Honourable Pandit, the Leader of the Opposition, and I wanted to see in his statement at least one condemnation of one paper, which I am sorry, Sir, I failed to find. I did not find any condemnation in his statement about that paper.

Mr. President : Is the Honourable Member justifying the report that appeared in the London *Daily Telegraph* and was cabled to this country that the President was acting in the interests of certain parties ?

Mr. Muhammad Yamin Khan : If the Chair will allow me, I will finish in my own way. In yesterday's issue of the *Pioneer* I find side by side with the comment on which the present discussion is based another comment in which the *Pioneer* says that the Government officials inspired certain Muslims to issue their statement and that 28 Members have signed this statement repudiating the Nehru Report. That comment has not been condemned by the Honourable the Leader of the Opposition. It is absolutely malicious and untrue that any Muslim Member has been inspired by the Government.....

Mr. President : That is not the question before the House. The question is whether the Press is entitled to indulge in accusations of partiality against the Chair.

Mr. Muhammad Yamin Khan : The comments referred not only to the Chair but also to all the Members of the House. There is reference to gossip that goes on in the Lobby and I find that the report itself appeared in the *Pioneer* that the Government officials inspired the Muslim Members in the Lobby to issue their statement against the Nehru Report.

Mr. President : Order, order. I cannot allow this occasion to be utilised for other purposes. Does the Honourable Member wish to continue ?

Mr. Muhammad Yamin Khan : I was only saying, Sir, that if the dignity of the Chair is in possession of the House, then the dignity of the Members of this House is in the possession of the Chair.

Mr. President : Order, order. If the Honourable Member wishes to raise that question, he can do it to-morrow. This is not the occasion for it.

Colonel J. D. Crawford (Bengal : European) : Sir, it appears to me that if we desired to maintain the dignity of the Chair and this House the

[Colonel J. D. Crawford.]

straighter we talk the better. So far as the Press is concerned, you, Sir, have the right to discipline those members who abuse the privileges of the Press Gallery and I presume you will take such action as you consider necessary to maintain the privilege of the House.

Mr. President : But I want your advice ; I want the advice of the House.

Colonel J. D. Crawford : I consider, Sir, that as regards the Press we cannot possibly in this House take up every matter that is the subject of criticism. In so far as this House is concerned, if we have any criticisms to make it is on the floor of the House that those criticisms should be made and I am not concerned with every petty correspondent who chooses to air his opinions in various newspapers.

Mr. President : That does not settle the question. I want to know definitely your view, whether you justify or defend the attacks made on the President.

Colonel J. D. Crawford : As regards your two rulings which have come up in front of this House on points of order raised by the Leader of the Opposition, I have accepted your ruling every time, Sir, and I believe those rulings were correct.

I want next to take the question of the repetition of gossip in the Lobbies on the floor of the House. Members opposite have attacked Government Members and non-official Europeans for having made comments on the rulings made by the Chair. I myself have heard similar comments made by Members of the Opposition Party. I want to be perfectly clear on this point. Everybody makes comments and will continue to make comments on the rulings of the Chair. So far as those rulings are not challenged on the floor of the House, those rulings are accepted.

My third point concerns the last point of order raised by the Honourable Pandit. The Honourable Pandit endeavours for his own purposes and quite legitimately to play a dilatory game with regard to this particular Bill and it is to me perfectly right that the other side should endeavour to find out all that the Honourable Pandit is doing. That is perfectly legitimate in the game of politics. But I do think the Honourable Pandit should have had the courtesy to tell the Government and the Chair of the point of order that he proposed to raise. If that had been done, much of the mischief would not have arisen.

Now there is one other point to which I wish to refer. I am glad to see that Honourable Members opposite are concerned over the question of the dignity of the Chair and the conduct of the Press Gallery, and I would be glad to see them equally concerned when a member of the Government is attacked ; but when this happened last year I did not hear any expression of opinion from the Benches opposite. By all means let us maintain the dignity of this House and the Chair at all times and be equally considerate on all occasions regarding it.

Pandit Motilal Nehru : My Honourable and gallant friend Colonel Crawford has accused me of want of courtesy. If he had only known what the courtesy of debate and argument is, he would have accused the other side of ignorance when they complained of want of notice. I, Sir, belong to a profession in which I have to be always prepared for all

kinds of objections sprung upon me, and to meet them, if I know my brief at all. Those who father a Bill in this House are expected to know whether it is *intra vires* or *ultra vires* of the House. They must be ready to meet all sorts of legal and technical objections which do not involve an investigation of the facts. That is the courtesy of debate and that is the law and the practice everywhere.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Sir, the Honourable the Leader of my Party has answered one of the points which the Honourable and gallant Member of the European non-official group (Colonel Crawford) raised in this House. Sir, he referred to the practice of his profession ; and if, I may add one more point, I may allude to the practice of my Party ; we are here not to make things easy for the Government. We belong to a Party which is not here to help a foreign Government, and therefore, Sir, I do not think it would be proper judging from our own principles, and professions and the ethics of our Party—I do not believe it would be playing the game, to give previous notice to the Government. Both legally and morally the Leader of my Party was acting not only according to the ethics of the great profession to which he has the honour to belong, but also according to the etiquette of the Party whose cause he has the privilege to espouse on this side of the House.

Another observation which fell from the Honourable and gallant gentleman on the other side was that the House should devote as much sympathy, give as much attention, when an Honourable gentleman on the Government Benches is attacked from the Press Gallery.

Colonel J. D. Crawford : My point was the action of a member of the Press Gallery was deserving of just as much criticism in the previous case as in the present.

Lala Lajpat Rai : We did criticise it.

Mr. K. C. Roy : The gallant Colonel is possibly not aware that the man was taken by two Members of this House to Sir Basil Blackett and there was a case pending against him in the courts ; so the matter could not properly have been discussed in this House.

Mr. C. S. Ranga Iyer : I believe a certain amount of confusion is betrayed by these observations. It ought to be understood definitely that the position of Government as well as the position of the Opposition is the same ; but the position of the Chair is very different. The Chair is above politics. The Chair is above Parties. And when the Chair is attacked from a party point of view—I believe the *Times of India* belongs to a party which is adequately represented in this House—when the Chair is assailed from a partisan standpoint and when the Chair is maliciously misrepresented, I believe, Sir, it is the duty of the Government to take proper action. We know, Sir, that certain Bills are presented to this House and I believe the Foreign Secretary has also one Bill to amend certain laws in regard to the Press. And the Government have a similar duty to perform, in view of certain observations which have been made against the Chair who cannot protect himself and whom the House cannot protect if the Government, which is unfortunately not responsible to this House, does not take adequate steps. Because it is a free Press it does not follow it is a Press which has a charter as wide as the wind to blow on whom it likes. The *Times of India* is a party paper ; I almost said a Government paper, a semi-Government paper. Since the *Pioneer* has

[Mr. C. S. Ranga Iyer.]

ceased to be a Government paper and has entered the ranks of honest independent journalism, say as the *Daily Mail* in England ; since the *Pioneer* has given up its pro-Government policy, the only newspaper in the country which is a Government paper is the *Times of India*. Sir, I do not want you to excuse that paper as belonging to the free Press. Freedom does not mean licence to attack the Chair. Such a thing would not have been tolerated in the House of Commons which has the right of summoning the offender before it.

I am aware that the attack on the Chair is, however, part of the present situation. Sir, an anti-Indian campaign has been started in England. The *Daily Telegraph* belongs to the group which is a centre of antagonism to Indian aspirations. It is a powerful Tory paper. Notwithstanding the fact that one of the proprietors of the *Daily Telegraph* is on the Royal Commission, the *Daily Telegraph* has been following its old policy of discrediting Indian aspirations. It is, I suspect, part of an Anglo-Indian programme, it is part of a conspiracy to discredit the Chair so that in future it may be said that no non-official President should be in the Chair, so that there may be a going back to the pre-Montagu period of an official President. Sir, it is all part of a sinister propaganda.

I do not know how the Chair can protect itself by expelling a member from the Press Gallery, even though he is entitled to expel that member. What is needed is a more comprehensive step than that. The matter is one in which the Government, if it is impartial, will have to take very strong action. It is a matter in which the Publicity Officer should have issued a timely contradiction.

I have not been reading the paper in question lately, but I thought that it was the duty of a certain gentleman who happens to belong to this House and to the Government, I mean the Publicity Officer, in a matter of that kind, to have issued a timely contradiction, because if he had done so this question would not have been raised on the floor of this House. The Government, so far as the Chair is concerned, I am afraid, have not been performing their duty properly. I hope, that in future at least the Government will give an undertaking that when the Chair is unscrupulously attacked, as it has been attacked in this particular case, by the comments in the *Times of India*, the Publicity Officer will issue a timely contradiction. I am afraid I must arraign the Government Publicity Officer of not having done his duty by the Chair on this particular occasion. I must also arraign the Government of a very grave omission to perform their duty to the Chair, to the Speaker of India's Parliament. And I am afraid, Sir, that this discussion is a direct outcome of the Government's omission to perform what was obviously their duty in this matter.

One word more, Sir, and I have done. This House is known, at least in semi-official circles, as " the Monkey House ". (Laughter), and the treatment that has been given to the Chair is as that of a President of a Monkey House. Sir, I have seen another Monkey House, a House of White Monkies in Westminster. (Laughter.) Sir, that House is more ferocious than this House.....

Mr. President : The Honourable Member is not entitled to speak in such derogatory terms either of this House or of the House of Commons.

Mr. C. S. Ranga Iyer : I do not for a moment endorse the particular description which I just mentioned, and I do not for a moment suggest that Honourable Members either would endorse that description, but I say that in semi-official circles such language is used. Sir, if I have offended the dignity of this or another House by quoting that expression, I withdraw that expression. But what I want to point out is this, that there is in Westminster a House of more ferocious animals, two-legged animals, and even in that country where there is also a more ferocious Press, I am not aware, though I am a fairly accurate student of English journalism, of the Speaker of the House of Commons having been attacked in the Press in the manner in which the Chair of this House has been attacked in regard to the particular matter under discussion, and I expect, Sir, the Government to give such protection to the Chair as the House of Commons would have given if the occasion had arisen. The occasion does not arise there, because it is a British House of Commons and the newspapers are British newspapers. In this particular case, it is a non-Indian newspaper which has attacked the Chair. It is a racial question, pure and simple, and I want that when such a racial propaganda is started.....

Colonel J. D. Crawford : Never, never.

(*Cries of* " Withdraw, withdraw " from the European Group.)

Mr. C. S. Ranga Iyer : I say that when there is a simultaneous publication in India and in England trying to discredit the first non-official Chairman, it is part of a deliberate, mischievous, racial campaign. (*Cries of* " No, no " and " never " from the European Group.)

You may say " Never " and " No, no ", but I am entitled to draw this conclusion. I am absolutely within my rights to draw this conclusion, when there is a simultaneous publication in India and in England in the Press, when there is a suspicious coincidence of this kind, I am perfectly entitled to conclude that it is part of a plot to discredit the first non-official President, that it is part of a conspiracy to go back to those days of autocracy when the Chair was occupied by an alien. (Cheers.) You may exclaim " Never, never ", but I am entitled to draw my own conclusion, and it is that conclusion that compels me to make this comment. And, Sir, as the Foreign Secretary is ready with a Bill when he sees that the Indian Press has got to be further strangled, it is not too much for the Home Member also to prepare a Bill to give adequate protection to the Chair.

Mr. President : I should like to know if there is any Member in this House who desires to defend the reports of the correspondents of the *Times of India* and the London *Daily Telegraph*.

(There was no answer.)

I take it that the general desire on the part of the House is to condemn these two correspondents.

I do not propose to give my decision on the spot on the questions raised. After I got this copy of the *Pioneer* from the Home Department yesterday, I went through it and found that the *Pioneer* had made very serious allegations against the Government. I also found in the report the following statement :

" Your correspondent has definite evidence which goes far to incriminate the Home Department."

[Mr. President.]

Well, I am sure the House would like me to make inquiry into the matter. (*Several Honourable Members* : " Certainly ".) Yesterday, after I got this copy, I wrote to the Editor of the *Pioneer* immediately, as follows :

" Dear Mr. Wilson,

My attention has been drawn to the report published in to-day's *Pioneer* from a special correspondent, Simla, September 11th. I shall be grateful if you will kindly let me know on what materials the following statements in that report are based:

1. 'Long suspect, he is now openly accused in the Government Lobbies by officials of being partial. 'It's a put up job', was the comment of one official member on Pandit Motilal Nehru's point of order on the Public Safety Bill. 'Patel is dead against us'.'

2. ' That the press correspondent of a London newspaper is in close touch with the Government'.

3. ' Your correspondent has definite evidence which goes far to incriminate the Home Department.'

Will you also let me have the name of the official referred to in statement No. 1 above."

Now, this is the reply that I received from the Editor of the *Pioneer* :

" Dear Mr. Patel,

I am in receipt of your letter of September 13th with reference to the message published in the *Pioneer* from a Special Political Correspondent, and dated Simla, September 11th. I very much regret that in accordance with long established journalistic practice it is impossible for me to answer your questions, or to supply you with the information you desire. I am sure you will realise that journalism, and especially political journalism, would become impossible if the sources of information were to be divulged, even in a case of such seriousness as the present one. I can assure you, however, that despite the ridiculous published denial of the Government of India on the subject, there exists a full and ample basis for the statements made in the issue of the *Pioneer* you mention, and that the message was carefully written with a proper sense of responsibility. The actuating motives were to protest against a reprehensible use of parliamentary journalism, to draw attention to the prejudiced attitude of Members of the House who are also Government officials, and to conserve the dignity which you, Sir, should enjoy, as President of the Assembly.

I am sure that if proper and searching enquiries are instituted, it will be found an easy matter to substantiate the *Pioneer's* statements. I regret that I am unable to depart from responsible journalistic custom."

I appreciate the difficulty of the Editor of the *Pioneer*, but I think he would supply me with full information confidentially on points on which he says he has got definite evidence, and I propose to ask him to do so. What use I should make of the information I cannot say at present. I think under the circumstances I should not give my decision to-day. Will you therefore allow me to defer the decision to some day next week on all these points ?

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL—*contd.*

Mr. President : The House will now resume further consideration of the following motion and amendments moved on the 10th September 1928 :

Motion moved by the Honourable Mr. Crerar :

That the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, be taken into consideration :

Amendment moved by Mr. Amar Nath Dutt :

That the Bill be circulated for the purpose of eliciting opinions thereon.

Further amendment moved by Sir Hari Singh Gour :

That the Bill be referred to a Select Committee consisting of Mr. Fazal Ibrahim Rahimtoola, Sir Victor Sassoon, Nawab Sir Zulfikar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four.

Dr. A. Suhrawardy (Burdwan and Presidency Divisions : Muhammadan Rural) : Sir, I am grateful to you for giving me an opportunity of speaking to-day, as I am anxious not to record a silent vote on a question like the one before the House. I also feel that I should not allow to pass unnoticed some of the remarks of the previous speaker on the Benches opposite. I regret, Sir, that I was not in the House when Mr. Joshi and Sir Purshotamdas Thakurdas spoke and I am sorry to have missed their speeches. But I was in the House when Mr. McWatters spoke and I agree with him when he said that visitors from abroad, foreign propagandists, acquire an exaggerated importance in the eyes of unsophisticated Labour in India and that they are more potent for mischief than any Indian agitator, however clever. Sir, it is the same thing all the world over, that Tom, Dick and Harry coming to India receive more attention than they are ever likely to receive in their own country, just as Indian visitors abroad are lionised, feasted and fed and treated to champagne dinners by the unsophisticated people of England or Russia who look upon them as budding Lenins and Trotskys of the future Soviet of India. My Honourable friend Sriman Srinivasa Iyengar, I think, will not hesitate to bear testimony to the truth of the saying that prophets are more honoured in other countries than their own. He has just returned from his tour round the world in eighty days or rather his Grand Tour in Europe, full of enthusiasm for foreign ideas, hypnotised by the Red regime in Russia, just as young Easterns on their first visit to Western lands are hypnotised by the white culture and civilisation of the West. Sir, speeches, however barren of arguments, exercise powerful influence on emotional minds, and I confess that despite its froth and foam, the torrential eloquence of Lala Lajpat Rair nearly swept me off my feet. I am therefore grateful to my Honourable friend, Mr. Iyengar, for bringing me back to my bearings. He afforded the House an object lesson of the dangers of impact with foreign ideals and foreign culture, and how the subtle and insidious propaganda of Communists can produce baneful effects even on a mature and balanced mind like that of the ex-Advocate General of Madras.

He talked of freedom of thought and of freedom of expression. I hope his ardour has cooled a bit by the debate this morning as regards the freedom of expression which degenerates into license. He also attempted to make fun at the expense of the Honourable the Home Member

[Dr. A. Suhrawardy.]

for introducing in the Bill the words " destruction of property ". Well, I think he is still labouring under the influence of his late visit to Russia and he fails to make any distinction between destruction of property for sanitation or any lawful purpose and wanton destruction of property as advocated by the Communists. Sir, my Honourable friend declined to tell the House how long he was in Russia. He was in a fix. But we all know that the whole period of his peregrination in Europe did not occupy more time than the globe-trotting of Miss Mayo in India. Yet he waxed eloquent on the advantages of Communism in action in Russia and the achievements of the Soviet Government there. He told us about the concession granted to Mussalmans by the Soviet Government of having the use of their mosques. What a grand testimony to the tolerance of that land of freedom !! He never told us the names of his Russian chaperons or Moslem guides. For aught we know, the Kazprinskys, and Bulbul Amirs whom he met at Moscow might have been Communist propagandists in disguise or un-Muslim, unrepresentative Muslims of the type on whose support he relies for that document of " friendly gesture " which he flaunts in the face of the world and of Lord Birkenhead as proof of Hindu-Moslem unity and Indian nationhood. He shuts his eyes to the fact that 28 Members of the Central Legislature have emphatically repudiated that precious document spontaneously, and not at the instigation or inspiration of Government, the baseless insinuations of the *Pioneer* notwithstanding. He also referred to the Home Member as a past master in the art of window dressing. I wonder if my friend was aware of the fact that his Russian friends are grand masters in the art of stage management. He has told the House that he is none the worse for his visit to Russia and that he is as much a Hindu as he was before his visit there. I doubt if he is the best judge of that situation. Patients often do not discern the symptoms which are visible to doctors. We have not heard of the voice of orthodox Brahmanism yet. We do not know what penalties he will have to pay or what *prayaschitta* he will have to perform for having crossed the " black seas " before he is rehabilitated as a good Hindu, unless my friend Lala Lajpat Rai comes to his rescue and performs the *shuddhi*. Lala Lajpat Rai who railed at Sir Hari Singh Gour for his heterodoxy.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : I have never performed any *shuddhi* in all my life.

Dr. A. Suhrawardy : Sir, there is not much to choose, in the eyes of the Sanatanists, between Lala Lajpat Rai and Sir Hari Singh Gour. It was a question of the kettle calling the pot black. Well, I sympathised with Lala Lajpat Rai when he told us that he found it difficult to choose between Imperialism and Communism. Safely entrenched as he is in the stronghold and citadel of communalism, it is difficult for him to do so even as it is at times difficult for him to choose between Capital and Labour. Lala Lajpat Rai theatrically jingled and shook in the face of Sir Hari Singh Gour the money bag. He has spent many years of his life in the land of the Almighty Dollar. He preached an eloquent sermon on the powers of money. He need not have done that. We all acknowledge the power of money. We all bow to Mammon and we all see Mr. Birla sitting behind him. (Laughter.) I agree with Lalaji at least so far as his opinion of Sir Hari Singh is concerned. Like Lalaji I also suspect Sir Hari Singh Gour of being a disguised Communist or a dangerous social revolutionary, for his Bills on marriage and divorce are nothing short of revolutionary

laughts on the family life of Hindus, Muslims and Parsis alike. I ught that Sir Hari Singh Gour would welcome the advent of Soviet ıs and Bolshevik propaganda in India. I am surprised to find that he is porting the Bill. (Laughter.) But consistency is a virtue unknown polities. It springs strange surprises and makes strange allies.

Now, I come to my redoubtable friend, Mr. Ranga Iyer, my Honour- e friend, Mr. Ranga Iyer, for whose oratorical powers and rhetorical hts I have genuine admiration. His speech the other day, sensible, er and sedate, on the Resolution asking for increase in Judges' salaries l his frenzied oration the other day wherein he declaimed against the posed legislation as by lunatics for lunatics have left me wondering ether there is such a thing as a lucid interval for orators and iticians. He said that the Honourable the Home Member's speech was oid of common sense and that the speech of his Leader was " com- t of common sense ". Well, common sense is not a common commodity. s rare and elusive and eludes the grasp of even clever men like my Honour- e friend. Had it not deserted him when declaimed the other day he uld not have treated the House to the " uncommon sense " he did, affect- superior knowledge and arrogating wisdom and knowledge to himself. spoke of the speech of his Leader as being full of common sense. I not quite sure whether it was full of sense, common or otherwise, but m certain that it was full of maudlin tears. His heart was breaking r the attack on the cherished rights and liberties of the Britishers. Sir, vas reminded of the old Bengali proverb that he who loves a child more . ın its mother is a witch. But by no stretch of imagination or violence language can the venerable Pandit be described as a witch. He is a at wizard. He is a past master and an adept in the jugglery of words l phrases. Sir, I rubbed my eyes and sat in my seat when with bell, ok and candle he stood over there and deftly dangled before the House well-known maxim regarding the reciprocity of allegiance and pro- tion and conveniently affected to forget the other and more appropriate axim *salus populi suprema lex*—the safety of the people is the ghest law. I wondered when that great wizard, that great master of ignuage rose in his seat to weave his web of witchery of words and talked the cherished rights of Britishers whether he was not referring to ıssians whose hospitality he had lately enjoyed, whose salt he had re- ntly tasted even as when he told us not long ago that the country stood the Independence Resolution at Madras, he meant Dominion Status. perhaps it is the other way about. When he tells us of Dominion atus he means Independence. Now, my Honourable friend Mr. Ranga er, Father India, referred to the House of Commons as the " Barren oman " but I.....

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-uhammadan Rural) : I quoted Mahatma Gandhi who called it a barren oman, but I referred to it as the " Whore of Parliaments ".

Dr. A. Suhrawardy : I do not know whether " Whore of Parlia- nts " is a Parliamentary expression or not. It is for the Chair to decide point. But I congratulate my friend on his good taste. My Honour- le friend, however, quoted with approval the description of Mahatma ndhi of the British Parliament as a barren woman.

Mr. C. S. Ranga Iyer : Yes.

Dr. A. Suhrawardy : Even my friend, Mr. Ranga Iyer, will not deny that but for that barren woman the prolific Mahatma Gandhi would never have conceived that abortive child of his called the " Ind Swaraj ".

Mr. C. S. Ranga Iyer : Nonsense.

Dr. A. Suhrawardy : Even my friend will admit that, but for that barren woman, this Assembly would not have come into being and become a spot " where girt with friend or foe a man can talk what he will "—sense or nonsense if he will. Sir, it has been said by a gentleman from the Benches opposite in a speech, whether full or devoid of sense I leave it for Mr. Ranga Iyer to decide, that India need not be afraid of revolutionary movements. " There has been no revolution here for 3,000 years." I entirely agree with that. It is quite true. The benevolent despots of 3,000 years ago would never come before an Assembly—representative or unrepresentative—and beg for power to deport undesirable aliens. They knew how to deal with them, and to give them the short shrift and extirpate Communism in thought and theory, root and branch, as they did with Buddhism in India and Mazdakism in Persia. They would never resort to the method adopted by the Honourable the Home Member. They knew of a swifter, shorter and cheaper method. They would have caught hold of them and cast them in grass sacks into the lakes of Kashmir or into the Indian Ocean to drown like puppies and pariah dogs. No wonder there had been no revolution in India.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I must congratulate the learned speaker who has preceded me on his maiden effort in sarcasm. I waited patiently from beginning to end to find a word said about this Bill, but I was disappointed. It was, as has been suggested by a friend behind me, a barren speech. But it was not barren in words. It was very prolific in satire and I congratulate my friend, on his maiden effort as I understand it. I hope he will improve in course of time. But I must now talk as a man of affairs and on the Bill which is before the House. I must say at the very outset that I rise to oppose the Bill—whether it is common sense or not in the opinion of my friend Dr. Suhrawardy, and I also oppose the motion for reference to the Select Committee.

Now, Sir, that this is legislation of a repressive character does not admit of any doubt. Three things have to be made out before any attempt at passing such legislation can succeed. The first is the urgency of the measure. The second is the justification for discarding the ordinary processes of law and trying to have extraordinary powers. Thirdly, even if extraordinary powers are necessary and required, it has to be made out that the weapons already in the armoury of Government of the same class are not sufficient for the purpose. We know, Sir, that on our Statute-book there are repressive measures of various kinds, and, as I shall show later in the course of my speech, and as has in fact already been shown, if the only intention of the Government is to deal with Communism, to deal with these undesirable Britishers or aliens who may be found in this country, there is ample provision for it in the law either by a trial according to law or by resort to these lawless laws which have been allowed to remain on the Statute-book. The very learned speech of the Honourable the Home Member, which I listened to with the greatest attention, I submit has failed to make out any of these three points. It was, Sir, an elaborate piece of literary performance ; it may well have been taken as a prize essay on Communism

or on the duties of Governments, but we did not hear any justification for this measure which he wishes this House to pass. He says, " I know more than I say, but I cannot divulge it ". Well, Sir, I do not think that any Member of this House is gifted with the power of reading the thoughts of the Honourable the Home Member. What he has in his mind, we are not gifted enough to deal with before he takes us into his confidence ; but, so far, he has not taken us into his confidence as to what it is actually that has happened and is happening which has made this measure necessary. Of course he has described in glowing colours the dangers of Communism, the dangers of a Red revolution, and a great deal has been said on the floor of this House about the terrors of Communism. I could see my friend, Sir Hari Singh Gour, visibly affected while the Home Member was drawing a very graphic picture of those horrors. Well, I shall deal with them later, but for the present I want to confine myself to the business part and leave the sentimental part alone. We have got to examine the business part of the Bill from these three standpoints : is there any urgency for it, is there any necessity even if urgency is made out, to depart from the ordinary procedure of the law of the land, and to resort to extraordinary means, and even assuming, without admitting that it is a case where the ordinary procedure of the law will not be enough, are there not extraordinary provisions of the law already in force of which the Government can avail themselves ? My Honourable friend, Mr. Srinivasa Iyengar, showed by a comparison of the Regulations and Acts which are already in force, that no new law is needed. Now there is no doubt that things have happened in India which bear a very suspicious resemblance to the doings of Communists in other parts of the world. There is no doubt also that there are some people, but they are a very negligible proportion here who might be said to belong to the Communist Party, but no attempt has been made either on the floor of this House or in any court of law to connect the atrocities referred to with the Communists in India or elsewhere. In fact the labour unrest and cases of sabotage and other things which have happened may equally well have arisen from natural and economic causes. But because they are there and because this Red terror is also somewhere hovering about, it is argued that the one must be connected with the other. I submit that is a very false argument and will not be acceptable to this House. Why I think, Sir, it would be equally reasonable to say that all these labour troubles in the south of India and the wreck and ruin which has followed in their wake is due to my friend Mr. Srinivasa Iyengar and myself who have recently been to Russia. It is true and the fact is admitted. We have been there, my friend more recently than I. And we come back and say things ; what is more reasonable than to believe that it is we who are the cause of the trouble. Is there any greater evidence against any Communist than that ? The fact is that this great Government is in a state of panic and its mind is unhinged just by two persons. I do not know them at all personally. They may be very insignificant people ; they may be very important people ; but the names of Bradlaw and Spratt are as red rag to a bull to the Government. But why can not you deal with these two miserable creatures with all the armoury you possess ? I really cannot understand that.

Then, Sir, great reliance is placed upon a letter which is alleged to have been written—at least it is typed—at any rate the author is said to be M. N. Roy. Now I was very anxious to see the original of this letter and I thank the Honourable the Home Member for the courtesy of showing it to me. I have also been provided by the courtesy of the Honourable the

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Home Member with a printed copy of that letter. I have taken the trouble to compare the printed copy with the typed copy, as corrected, which is in the possession of the Home Department. Now, Sir, I find that the corrections are mostly typist's errors ; a word here and a word there, either added or substituted for a word already there. The rest is all in type. The letter is not signed by anybody ; the name does not appear even in type. The forwarding letter is wholly in type ending with the words " Best Wishes, J." The sender calls himself " J ". That is also in type. Then we come to the cover. The address is in manuscript and that address is supposed to have been examined, together with the corrections in the body of the letter, by experts in handwriting and they have pronounced the handwriting to be that of M. N. Roy. Now, all that they could possibly have done, and all that they probably did do, was that they compared the handwriting with other handwritings which were laid before them ; and all that they could say, and all that they probably did say, was that these writings were by one and the same person, whether it is M. N. Roy, or M. N. Banerjee or Bradley, we cannot say. Now, as every beginner in the practice of law knows, there are two things essential for a reliable comparison of handwriting, either it must be compared with an admitted handwriting or it must be compared with a handwriting which is proved to be the writing of the man. Now, I am sure M. N. Roy is not in communication with the Government and he has not admitted that those writings that they possess are his. How then were those writings which they possess proved to be his ? By what evidence ? I asked a question and I was told " internal evidence." I am not aware of any kind of internal evidence which would identify the writer of a document with the text of it, simply because it expresses certain views. Now, we all know what Communists' views are and I do not think great ingenuity is required to put them down on paper for anyone, and if those views are proved to be those of M. N. Roy, who has published many books, then the natural conclusion is that this letter is M. N. Roy's. Sir, I refuse to look at that evidence, in spite of the enquiry that I have made.....

3 P.M.

Mr. President : The Honourable Member has already looked at it.

Pandit Motilal Nehru : .....as a piece of evidence. I have seen it, Sir, and I have satisfied myself that that letter is not worth considering as a piece of evidence. Now, a great part of the speech of the Honourable the Home Member was occupied by the reading of extracts, long extracts, from that letter. I do not wish to go into those extracts ; they are not opinions which I can support nor is it for me to say that they are wrong or right, because they are not my opinions and I am not on my trial. But whether that letter has caused anything to happen in India which could necessitate a measure like this is the question, and if it has really caused it, whose doing is it ? I have here more substantial evidence of a higher class than is adduced to identify this letter with M. N. Roy. The letter was in the hands of the officers of the Government. The Press could not get hold of it except through the Government ; and if that letter is responsible for any unrest anywhere, I submit that the initial responsibility lies with the Government. But we all know what it is and speakers who have preceded me have said what that means. We know the psychological moment at which that letter was published, the moment when the reforms and the constitution of India are in the melting pot, the moment when this Bill was decided upon. Publication shortly before that would form a useful first step to the legislation which is now before the House ; otherwise why should it have been kept back so long ? I find there is a mistake as to time. The letter is dated the 30th December and the forwarding letter is dated the 5th February and the postal stamp is dated.....

The Honourable Mr. J. Crerar (Home Member) : 12th of May, I think.

Pandit Motilal Nehru : It is the 16th May. If it is a letter which should have been published for some other reason, it could have been published long before ; but what earthly reason could there be for the publication of a letter of this character by the Government ? Was it to instruct the people of India in the principles of Communism, or was it a step leading to something else ? I cannot understand it. I submit, therefore, that the fact of publication of this letter at the particular time it was published, lends this legislation a very suspicious appearance.

Apart from that letter, the rest of the speech of the Honourable the Home Member was, as I have said only a description of the terrors of Communism. It might be enough to terrify old women and children, but I am sorry to say that it had no effect on hard-headed men of affairs like us. But I heard nothing more astounding in my life than the assertion made by that great lawyer and my great friend, Sir Hari Singh Gour. He said it may be that the letter is not proved, it may be that M. N. Roy never sent that letter, and it may be that we cannot trace the authorship to anybody, but the mere fact that that letter exists in India is enough reason for taking some step to provide against Communism. That argument answers itself, and I do not think I need take the time of the House to deal with it.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Has M. N. Roy denied the signature and his writing ?

Pandit Motilal Nehru : There is no signature. Perhaps that was left to you. (Laughter.) I thought the Honourable Member was following me. That letter, unfortunately, was not signed.

Then there was another argument adduced by the Honourable the Home Member, and the case tried by the Allahabad High Court was referred to. That case cannot be referred to as a precedent for anything. Did you or did you not succeed in securing a conviction in that case ? What was the difficulty experienced in the course of that trial as to the conviction of those men ? Were there any witnesses shot ? Is it pretended that exactly the same state of things prevails as was supposed to prevail at the time when the Bengal Ordinance was passed ? We have heard no facts about that ; in fact we know of no cases except this Allahabad trial which ended successfully in convictions. But there may be others. If so, by all means try them. But if there are no reasons for passing this measure to be found in the speech of the Honourable the Home Member, it will live in the classical phrase " Communism in action." Communism in action is certainly more dangerous than Communism in theory, but has he illustrated that by any examples ? Of course if he falls back upon his confidential knowledge and his inability to divulge it in this House, I have no arguments to advance.

Now, Sir, I will not take the time of the House to go into legislation which is already disfiguring our Statute-book, and which fully provides for a case like this. I am thankful to my Honourable friend the Law Member for pointing out in the course of his argument on the point of order that Europeans were not excluded from the operation of Regulation III of 1818. Well, if they are not excluded, does not that Regulation provide for the

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cases for which this new law is being enacted ? Is it not even more comprehensive than the present Bill ? Here you have specified certain offences and if the Governor General declares that a man answers to the description given in clause 2, then he may be treated in the way which the subsequent provisions of the Bill provide. But under Regulation III of 1818 nothing need be done. You have simply to take hold of the man and do as you please with him. Then if it covers the case of Britishers—and of course there is no doubt that it covers all the poor Indians—then the aliens also come in under it. But we have a separate Act dealing with foreigners and that is Act III of 1864. In fact some clauses of the present Bill seem to bear very strong family likeness to the sections of Act III of 1864, and exactly the same powers are now being asked for. My Honourable friend Mr. Srinivasa Iyengar has also called the attention of the House to the Criminal Law Amendment Act which can be used in cases of unlawful assemblies. But why have recourse to this extraordinary measure ? What clause 2, sub-clauses (*a*), (*b*) and (*c*) provide for are distinct and definite offences against the law of the land. All these have been jumbled up into this clause, but taking them one by one, we find they have been amply provided for in the Indian Penal Code and other criminal enactments. Where is the trouble in trying the man for those offences and how can anybody have any confidence in a mere declaration by a Governor General ?—I mean no offence to His Excellency. But it is not humanly possible for any man, whether he is a Governor General or even an official higher than that, to declare a person guilty of those offences some of which are very difficult to prove. We do not know upon what basis he will declare a person to come under this Bill. The persons will not be tried in courts.

My honourable friend Sir Victor Sassoon opined that the reason why this Bill is opposed is, firstly, ignorance of the laws of other countries on the same point and, secondly, the firm conviction of the people of India that Communism will never have a hold in this country. Now, Sir, so far as the first charge is concerned, I am afraid there is not only no ignorance on this side of the House of the laws of other countries on the subject, but that they are only too well understood and known. Leaving aside the points about which other speakers have spoken, I wish to call the attention of the House to the law as it stands in England and as it stood in England. Now, as I said in my remarks in the course of my speech on the point of order, you must make a clear distinction between pre-war days, the war days and the post-war days. In times of war everything is suspended and any law can be passed ; but you will see in England, where the danger from Communism has been, and I assert is now, much greater than it is or it can ever be in India, how these people have been treated in England. Well, Sir, I will just examine a few Acts here. The pre-war legislation is the Aliens Act of 1905. In order to save the trouble of looking up many books I have had the necessary provisions summarised. Now there, how do you deal with undesirable aliens ? The Secretary of State may, if he thinks fit, make an order—in this Act referred to as an expulsion order—requiring an alien to leave the United Kingdom within a time fixed and thereafter to remain out of the United Kingdom—that summarises the whole of this Bill—(*a*) if it is certified to him by any court (including a court of summary jurisdiction) that the alien has been convicted by that court of any felony or misdemeanour and so on and so forth. Then after that we come to the War measure which is 4 and 5 George V, Chapter 26 That was in 1914. Now I ask the House carefully to consider the course of legislation in England even in times of danger, imminent danger and actual war. There His Majesty by Order in Council may prohibit certain things, prohibit aliens from landing, embarking or remaining in the country and so on. Then section 2 provides punishment for contravention. It is punishable on conviction under the Summary Jurisdiction Act, etc., etc. Exactly as in this Bill also, disobedience of the orders may be punishable after trial by a magistrate of the first class. Now, as I have submitted, that was perfectly justifiable in times of war. As soon as the war was over we have the next Act which is the 1919 Act. It is called 9 and 10 George V, Chapter 92. It is a continuance and extension of emergency powers. Section 1 (1) says :

"The powers which under sub-section (1) of section one of the Aliens Restriction Act, 1914 (which Act, as amended by this Act, is hereinafter in this Act referred to as the principal Act), are exercisable with respect to aliens at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen, shall, for a period of one year after the passing of this Act, be exercisable, not only in those circumstances, but at any time ; and accordingly that sub-section shall, for such period as aforesaid, have effect as though the words 'at any time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen' were omitted

(2) Any order made under the principal Act during the currency of this section shall be laid before each House of Parliament forthwith, and, if an address is presented to His Majesty by either House of Parliament within the next subsequent twenty-one days on which that House has sat after any such order is laid before it praying that the order may be annulled, His Majesty in Council may annul the order, and it shall thenceforth be void, but without prejudice to the validity of anything previously done thereunder :

Provided that this provision shall not apply in the case of an order the operation of which is limited to a time when a state of war exists between His Majesty and any foreign power, or when it appears that an occasion of imminent national danger or great emergency has arisen."

Then section 3 says :

"(1) If any alien attempts or does any act calculated or likely to cause sedition or disaffection amongst any of His Majesty's Forces or the Forces of His Majesty's allies, or amongst the civilian population, he shall be liable on conviction on indictment to penal servitude for a term not exceeding ten years, or on summary conviction to imprisonment for a term not exceeding three months

(2) If any alien promotes or attempts to promote industrial unrest in any industry in which he has not been *bonâ fide* engaged for at least two years immediately preceding in the United Kingdom, he shall be liable on summary conviction to imprisonment for a term not exceeding three months."

So that for the grave offence of inciting to rebellion in the army, the law, immediately after the war was over, lays it upon the executive to prosecute the man on indictment, and if he is found guilty, then he may be imprisoned, or when it comes to attempting to promote industrial unrest, then he shall be liable on summary conviction to imprisonment.

Now, it was said by my Honourable friend Mr. Moore that, here we have not provided for any imprisonment ; let us send the man Home at our expense. If you examine the provisions of the Bill, you will find that, if the man does not care to obey the order, you do provide for his imprisonment, and, what is more, you deprive him of something which, I submit, whatever may be said about my point of order, no Englishman can be deprived of, and that is his right to *habeas corpus*. You say that section 491 of the Code of Criminal Procedure shall not apply

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to a person who has been committed to custody under clause 6 of the Bill. There is one right which travels with every Englishman all over the world, and it is the right of *habeas corpus*, wherever English courts exist. Of course, where there are no British courts, they will not take notice of that right. So it is much more than a mere infliction of a sentence of imprisonment. Now, that was only for one year, but these Acts were extended from time to time, and we find the last Continuance of Acts in Schedule, 17 and 18 George V, 1927, which repeals the whole Act of 1919, save section 1. So that you will see that in England, quite apart from the fact whether there is peace or war, there is much better treatment accorded even to aliens than you propose to accord to your own kith and kin, the Britishers, under the Bill. Sir, I submit that the proposed law is more likely to threaten society and civilization than the Communist activities have ever done.

Then there is a good deal said of the very generous exclusion of Indians from the operation of this Bill. But is that of any value ? Have you not got enough powers to deal with them ?

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Enough and to spare.

Pandit Motilal Nehru : Yes, enough and to spare. Then, Sir, there is one point which has not been referred to by the speakers who have preceded me, and it is this. You have excluded British Indians, you have excluded States Indians ; but what about Indians in Chandernagore, in Pondicherry and in Goa ? They are not British subjects, and yet they have family ties, they have business ties with British India, and those ties cannot disappear by an imaginery line of separation from British territory. So far as my personal experience of their relations and family ties goes, it is simply impossible to say which of the members of that family will be considered French subjects and which will be considered British subjects. It has been said, Sir, " Let us take this Bill to Select Committee and see what we can make of it there." But can we make anything of it, except by an amendment which would go to the length of making this Bill nugatory ? The amendment I am referring to is an amendment providing for trial according to law and for that you do not want a special Act. Therefore I am opposed to a reference to Select Committee.

Now, Sir, a great deal has been said about the Soviet and the doings of the Soviet and the terrors it has spread throughout the world ; and my Honourable friend, Sir Hari Singh Gour, has in his concern for religion and society relied on two little books : one is called " The Assault of Heaven " by one A. Valentino. I do not know who this gentleman is. I borrowed the book from the Library and I read parts of it ; I do not find who this gentleman is and what is his authority to speak on the subjects at all ; but from what is written in that book, it seems that he is a religious enthusiast and he is always citing the Bible —not actually in parallel columns- as against the opinions expressed by a Soviet advisory council. So far as that goes I do not think it matters at all. There is no restriction now on anybody. One can safely be an athiest, a polytheist, a Muhammadan, Jew or Hindu and everybody is at liberty to have his own opinions : there is not a word implying compulsion in the whole of that book. People go to a sort of board constituted to advise people on various things—agriculture, industry and so on—and they ask the board, " Under such and such conditions, what should be done ? " If they do not go to the board, or if they do not take that advice, there is nothing to prevent them from following their own inclinations. I may mention here an instance which came to my own personal knowledge, when I was in Moscow. Just at the entrance of the Kremlin which was the palace of the Czars, there is a chapel dedicated to the Virgin Mary. I saw crowds of people going into this chapel. I saw also posted on the opposite wall in big letters in three languages the writing " Religion is poison for the people." You were at liberty, in spite of that warning, to go into the chapel and there were hundreds of people who went into the chapel and worshipped and came out without molestation. The other book that was cited by my friend is by Arthur Shadwell. This gentleman seems to have written this book in his library after reading such literature as was available to him ; he seems to have had no first-hand information. The one thing that is apparent from that book is that he is a great believer in the Zinovieff letter which is now almost unanimously admitted to be mythical—indeed it has been proved to be a forgery. I will say one word there about the authenticity of this anti-Russian and anti-Soviet propaganda. A writer in the New York *Nation* describes how news is manufactured. The House is aware that a great part of the news from Russia comes through Riga and it is always the Riga correspondent of this or that paper that is supposed to send the news. Now this is what this writer in the New York *Nation* says as to how he became Riga correspondent of various newspapers :

" The first time I served as a Riga correspondent was in London. An editor made a correspondent of me by giving me an editorial leader clipped from one of the morning papers. He instructed me to recast part of it in the form of a dispatch and date it from Riga. The editorial was one reviewing in some detail the pernicious activities of the Third International. I must have rewritten it rather well, for later I was entrusted with other tasks of the same dficate nature. I became the paper's regular Riga correspondent—' from our own correspondent ', as they like to say in Fleet Street.

A year later I was in Paris and attached to a newspaper there. And in Paris I found myself again a Riga correspondent. The work was twofold now. There were French journals and English journals to rewrite. All of them, including the one in London which formerly employed me, seemed to boast of Riga correspondents. In all their dispatches there were revelations—Bolshevist atrocities, Cheka executions, Soviet economic difficulties, dissatisfaction of the people with the Government. As in London, this material was turned over to me ; and out of the mass another composite Riga correspondent was born."

This is how propaganda is done against Russia and Sovietism. Now, Sir, I have here something which is more reliable, and which I hope the House will agree is far more reliable than all the Riga correspondents rolled into one. I have not got the actual document here. I have it at my house. I did not bring it here. But I find extracts, which will serve my purpose published in the *Daily Express* of Madras, dated the 24th January, 1928. I owe it to the courtesy of the Honourable Mr. Coatman that I am able to read these extracts. These are extracts from the report of the British labour delegation to Russia. It is signed by 92 British—thoroughly British, full-fledged British—representatives of workers' organisations in England and Scotland, after personal investigation. They went and toured through Russia and they made this report as a result of their tour. I am giving you their description of what they found there as

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to a person who has been committed to custody under clause 6 of the Bill. There is one right which travels with every Englishman all over the world, and it is the right of *habeas corpus*, wherever English courts exist. Of course, where there are no British courts, they will not take notice of that right. So it is much more than a mere infliction of a sentence of imprisonment. Now, that was only for one year, but these Acts were extended from time to time, and we find the last Continuance of Acts in Schedule, 17 and 18 George V, 1927, which repeals the whole Act of 1919, save section 1. So that you will see that in England, quite apart from the fact whether there is peace or war, there is much better treatment accorded even to aliens than you propose to accord to your own kith and kin, the Britishers, under the Bill. Sir, I submit that the proposed law is more likely to threaten society and civilization than the Communist activities have ever done.

Then there is a good deal said of the very generous exclusion of Indians from the operation of this Bill. But is that of any value? Have you not got enough powers to deal with them?

Mr. D. V. Belvi (Bombay Southern Division: Non-Muhammadan Rural): Enough and to spare.

Pandit Motilal Nehru: Yes, enough and to spare. Then, Sir, there is one point which has not been referred to by the speakers who have preceded me, and it is this. You have excluded British Indians, you have excluded States Indians; but what about Indians in Chandernagore, in Pondicherry and in Goa? They are not British subjects, and yet they have family ties, they have business ties with British India, and those ties cannot disappear by an imaginery line of separation from British territory. So far as my personal experience of their relations and family ties goes, it is simply impossible to say which of the members of that family will be considered French subjects and which will be considered British subjects. It has been said, Sir, "Let us take this Bill to Select Committee and see what we can make of it there." But can we make anything of it, except by an amendment which would go to the length of making this Bill nugatory? The amendment I am referring to is an amendment providing for trial according to law and for that you do not want a special Act. Therefore I am opposed to a reference to Select Committee.

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against the woeful tales of destruction and ruin that have been told in this House :

"The Bolsheviks are now replacing capitalism with another system of society—socialism. The damage done to the buildings, towns and bridges by the Imperialists and counter-revolutionaries was immense. Now these places are being erected anew. So far as the towns in Soviet Russia are abnormal, it is in the exceptional beauty and grandeur of a large proportion of the buildings, and in the wide streets and squares which are to be found in every district. These are inhabited from pre-revolutionary days, and the important point to us is that the revolution has preserved them, repaired them and in some instances which have come to our notice has actually improved their architectural and historical value by the restoration of features mutilated or obscured during recent Tsarist periods."

My Honourable friend, Sir Victor Sassoon, has mentioned the "declassed intelligentsia", because we do not come under the category of workers and peasants and therefore the intelligentsia of this country, if there were Communist rule, would be declassed. Let us see if art, science, literature, etc., have disappeared from Soviet Russia after the Revolution. What these 92 gentlemen found was this :

"The paintings by French, German and other artists from the fifteenth century onwards are arranged in a series of rooms so that the visitor can see the historical development and make comparisons. The existence of this gallery, and the obvious care that has been bestowed on it, was all the more interesting to us in view of the lies we had read in the capitalist press about the destruction of every thing of artistic value which the Bolsheviks were alleged to have carried out."

I may be permitted to interpose here an interesting experience of mine after I returned from Russia to London. A gentleman who is very much in the public eye actually put me the question, "Does the Kremlin still exist ?". Kremlin being the vast pile of buildings where the Czars lived, some of them of exceptional beauty. I told him as was the fact that not only did the Kremlin exist but that it had been considerably improved upon and it looked as if it was completed yesterday. And he was surprised. That gentleman is one of those who are going to decide our fate. Pertaining to the people of Russia, the report says :

"The first and most universal impression of the people is their extraordinary friendliness and interest in the foreign visitors. Everywhere we went we experienced not only kindness but enthusiastic welcome."

As to industries :

"The progress of industry on the new lines with the object of improving the conditions of the classes—the workers and the peasants—is being carried on by the Soviet Government. The working class enjoys the full privilege of their toil and have the fullest confidence in the governing body, the Soviets."

I see Captain Hira Singh is not here. This ought to interest him because he was afraid that the tillers of the land would be nowhere.

"The majority of the village Soviets (Councils) consists of peasants, while in the towns, the workers are in the majority. Every official from the Prime Minister downwards gives his report of work done in the ordinary workers' meeting. These reports are discussed, criticised, and suggestions are given by the workers. They have also the power of recall if any official has not given full satisfaction in his work."

Then, there is a comparative table showing the advance made after the Revolution—advance made in the economic condition. I need not go into these details. As for education we have it here :

"The students of the Russian high schools have far superior knowledge than the graduates of Cambridge and Oxford. Their methods, their classes and discipline is much better."

and so on. Then we come to this :

"In India, after a hundred and fifty years' rule of British 'civilisation' only six per cent. of the population are educated, while ten years of Bolshevik rule has practically abolished illiteracy."

(Hear, hear from the Congress Party Benches).

That is the fiend that is going to swallow us and our institutions and everything else.

"Only those who are too old still remain illiterate. It is due to their old age rather than any hindrance by the State."

As to prisons :

"The whole idea of prison life is explained, said the Governor, by a perusal of the slogan painted across of the wall of the prison."

It reads :

"In Soviet Russia there are no prisons but training centres where those who have not had opportunities can learn to become useful citizens."

I will not trouble you with the rest of this. Anyhow it is not such a barbarous and unnatural State as is made out to be—where every man devours every other man and is a cannibal. I have seen many of these things with my own eyes. Now, Sir, even Communism must be fought with clean weapons. My friend Sir Victor Sassoon was pleased to say that only those who desire Red rule in India would oppose this Bill He knows that so far as this side of the House is concerned, so far as the great majority of Indians are concerned, what is desired is Brown rule and not Red rule.

Now, Sir, I shall not take up the time of the House any longer. I shall simply content myself by saying that this is a most vicious piece of legislation and is calculated to bring about results just the opposite of what is contemplated. Before concluding, I must not conceal from the House that there is a very strong suspicion in the minds of educated Indians and that is this. There has been a movement on foot for years past for organising a sort of cultural co-ordination between India and various other countries of the world, especially in the North of Europe. If you pass a law like this, and people come on peaceful missions but do not please the Government and the C. I. D., they will be packed off to their homes. If one man from any country is treated like this, the movement will die out in no time. Who will ever come here ? In the countries I visited there was some anxiety to avail themselves of an opportunity to come to India at the time of the Indian National Congress. Whatever may be said about the Indian National Congress, there is no doubt that the Indian National Congress is known to be the largest national institution of India throughout the whole world and naturally people in other countries have a desire to witness the proceedings of this institution which is indigenous in its origin and which does not owe its existence to any help from the British. I was thinking to myself that if at the next Congress I invited some of my friends whom I met during my last visit and if this Bill passed into law, what would happen. Government will say : "Oh, we are not going to get hold of people who come for peaceful purposes. This Bill is intended only for Communists." How am I to know what you will do ? The evidence that satisfies you is not likely to satisfy me, as was shown in the case of M. N. Roy's letter. Then again there is a great desire among Indians to promote mutual intercourse, cultural and social, between themselves and other Asiatic countries. All these things will receive a rude check if a measure of this kind is passed into law Sir, I submit that if this measure is passed into law, it will be the biggest blot upon the Statute-book.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, (Applause). I have listened with a great deal of attention and interest to the orations of my Honourable friends opposite including the Honourable the Leader of the Opposition but I regret to have to observe that I have not discovered yet any cogent reasons for rejecting or for doubting....

An Honourable Member : You can never do so.

Sir Bhupendra Nath Mitra :.... the principle underlying the Bill before the House. It is of course possible that my inability to discover any cogent reasons may be due to a deficiency of intellect on my part.....

Honourable Members : No, no.

Sir Bhupendra Nath Mitra : But that is the position as it stands, and, Sir, we are at present concerned with the principle of the Bill. The Honourable the Leader of the Opposition made certain remarks which are relevant to the principle of the Bill, and I propose to deal with them later on. He also mentioned what I may call certain technical details of law which I submit may more appropriately be dealt with when the clauses of the Bill are under consideration or, alternatively, when the Bill is being examined in Select Committee.

Sir, the speeches of the Honourable Members who have already spoken have contained much illuminating information about the doctrines of Communism. I confess, Sir, that I have never met face to face one of these active Communists.

An Honourable Member : Nobody has.

The Honourable Sir Bhupendra Nath Mitra : But this may be due partly to the fact that probably the creatures of that ilk do not walk about the streets with a label on them. I have not even had the honour, or dishonour, of meeting these two or three Englishmen who have been referred to in the course of this debate. My only knowledge of Communist doctrines is derived from current literature, and from recent happenings in China and Japan to which reference has been made not only by my Honourable friend Sir Victor Sassoon but by so well-informed a person as the Honourable Sir Denys Bray. (Hear, hear.) Judging from the facts before me, I have no doubt in my mind that the essence of these doctrines is the subversion of the authority of law or organized government as it now exists in most countries of the world. The object of these doctrines is the violent destruction of the existing organization of the community in all its various aspects.

Pandit Motilal Nehru : For what purpose ?

The Honourable Sir Bhupendra Nath Mitra : The primary object is destruction. I have no desire to dilate on the picture which has already been depicted to this House by the Honourable the Home Member, Sir Hari Singh Gour, Sir Victor Sassoon and Sir Denys Bray.

Pandit Motilal Nehru : Do you deny the facts that I have stated from the report of the British Labour Party ?

The Honourable Sir Bhupendra Nath Mitra : I am coming to that, Sir, presently, if my Honourable friend will be a little patient. We know that the Nationalist Government of China and the Government of Japan

are trying their best to eradicate the evil in their countries. My Honourable friend, Mr. Srinivasa Iyengar, who in the course of his recent peregrination managed to have a peep into the country which is reputed to be the factory of this evil, has in a way admitted the correctness of this picture. He admitted that the process of violent.....

(Mr. Srinivasa Iyengar rose to interrupt the speaker but the Honourable Sir Bhupendra Nath Mitra refused to give way.)

Mr. President : Order, order. No Honourable Member is entitled, except for raising a point of order, to interrupt a speaker unless the speaker is himself willing to give way. Sir Bhupendra Nath Mitra.

The Honourable Sir Bhupendra Nath Mitra : He admitted that the process of violent destruction of the authority of existing law and of organized government previously existing, with all its concomitant effects on the community as a whole, has taken place at an earlier stage of the Communist movement in that country, and he stated that now that that process had been completed, a process of reconstruction of the various national institutions had commenced which had apparently found favour in his eyes. The statement which fell from my Honourable friend the Leader of the Opposition was more or less to the same effect. I have no personal knowledge on the subject, but I am quite prepared to accept what fell from both these Honourable gentlemen about the present position in Russia. But we all know how that position was reached.

Pandit Motilal Nehru : Revolution of course.

The Honourable Sir Bhupendra Nath Mitra : That is the correct word. Sir, I am wholly in favour of the reconstruction of many of our existing institutions, but I feel very strongly that such reconstruction should take place by a process of orderly and gradual evolution ; and as a citizen of this unhappy country I have the strongest abhorrence to any violent destruction of any of our existing institutions, even though the object may be to replace them by institutions of a better type. I am glad to find that my Honourable friend Mr. Amar Nath Dutt voiced the same opinion when he said : " No Indian wished revolution or subversion of the present society ". He said however that he understood the doctrine of the Communists could not be anything else except that every person must be adequately fed. Now, Sir, if the doctrine was to help the agricultural and industrial workers of this country to improve their standard of living through orderly methods and without recourse to violence, I should have the fullest sympathy with that doctrine. But let me tell my Honourable friend Mr. Amar Nath Dutt in all seriousness that that is not the whole of the doctrine. The experience of other countries shows that it is the essence of the Communist doctrine that if in the town of Burdwan, from which my Honourable friend comes, there are a thousand people who cannot for some reason or other get a full day's meal, or cannot clothe themselves adequately, they should march in a body to the house of my Honourable friend, lay violent hands on his person and property, perhaps kill him in the process, and commandeer his property to satisfy their requirements. That, Sir,.....

Pandit Motilal Nehru : That is a libel on Communism even.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Why should they not go to the house of the

[Maulvi Muhammad Yakub.]

Maharaja of Burdwan rather than to that of my Honourable friend Mr. Amar Nath Dutt ?

Mr. President : Order, order. I think, the Honourable Member is entitled to greater consideration, and Honourable Members should not interrupt him so often.

The Honourable Sir Bhupendra Nath Mitra : Sir, I mentioned my friend Mr. Amar Nath Dutt, because it was he who said the words which I have quoted ; but the same thing may happen to me, to my friend Maulvi Muhammad Yakub, and in a larger measure to my friend the Honourable the Leader of the Opposition or to the Maharaja of Burdwan. That, Sir, brings in the element of revolution, or subversion of the present society, on which my friend Mr. Amar Nath Dutt looks with as much abhorrence as I do.

My friend Mr. Ranga Iyer, whose after-dinner speech I found it difficult to follow, apparently wanted to establish that all Communists do not hold violent doctrines and that there are among them some, with whom he has been associated, who do not preach revolution or the subversion of existing institutions, with all its concomitant effects. Now, Sir, if there are Communists of this category—and I believe by friend Mr. Srinivasa Iyengar was also referring to men of that category—they have nothing to fear from the Bill before the House. But, Sir, if it is an accepted principle that in the interests of the individual members of the community the State must take action against dangerous lunatics suffering from a limited type of mental deficiency, I for one can see no objection to the principle underlying State action, in the interests of the community as a whole, against dangerous lunatics suffering from a wider type of mental dificiency. Such action, Sir, has been taken in most of the civilised countries of the world (*Pandit Motilal Nehru* : "Where ?"). My friend Sir Victor Sassoon referred to the case of America, Australia and South Africa. In England too, the principle of the action is admitted ; the procedure followed may be different ; I am now talking of the principle only. I am not discussing, Sir, at the present moment the procedure, because this is not the appropriate moment for discussing the procedure. (*Pandit Motilal Nehru* : "It is not a question of procedure.") My friend the Honourable the Leader of the Opposition, while admitting the evils of what he called "Communism in action" argued that if a Bill like this were passed, it would stand in the way of eminent men from other countries in Europe and in Asia from coming to India to teach us, (*Pandit Motilal Nehru* : "Or to be taught by us.") or to be taught by us. I accept the correction. Now, Sir, the Bill before the House will certainly not have that effect exactly as similar laws in America, Australia and South Africa have never had such effect.

I have found it difficult to understand the attitude of my esteemed friend Mr. Joshi in this matter. (*Mr. N. M. Joshi* : "Why"?) I had always understood that he and self-less workers like himself in the realm of uplift of labour, like Mr. Andrews, were apprehensive of the exploitation of labour, and labour unions, in India by Communists. (*Mr. N. M. Joshi* : "Where did I say that, Sir ?") If I may be quite precise, that statement was made to me some six months ago. (*Mr. N. M. Joshi* : "By whom ?") It is quite possible that my Honourale friend's views may have changed in six months' time. I believe also that I am correct in stating that it was similar apprehensions which led Mahatma Gandhi, that arch-preacher of non-violence in India, to stand in the way of the Ahmedabad labour unions, which he controls to a large extent, from actively joining the Indian Trade Union Congress.

4 P.M.

It has been argued, Sir, that the industrial unrest which has come into prominence in a very marked degree in India in the last six or seven months, has nothing to do with Communist activities but is the natural result of economic causes. Now, Sir, we admit that the unrest and the strikes originated from economic causes. That was fully admitted by my Honourable colleague, the Home Member, in the course of his speech. But, Sir, these strikes did not originate from the pangs of hunger. It is the prolongation of them which has added to the pangs of hunger of certain people. My Honourable friend, Mr. Joshi, was perfectly correct when he said that they originated in trade disputes, a perfectly correct statement, but how have these strikes been prolonged for all this length of time, and how is it that they have led to these acts of sabotage and loss of life on railways, with which we have now become painfully familiar ?

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : The Honourable Member is perhaps referring to an incident which is yet *sub judice*.

The Honourable Sir Bhupendra Nath Mitra : I am not. If I had mentioned Lillooah, the Honourable Member would have been perfectly in order.

Mr. K. C. Neogy : Will the Honourable Member say what specific cases he has in mind ?

The Honourable Sir Bhupendra Nath Mitra : I am referring to general cases of sabotage.

Mr. K. C. Neogy : And to loss of life on railways ?

The Honourable Sir Bhupendra Nath Mitra : That is a fact.

Mr. K. C. Neogy : These are recent incidents and are yet *sub judice*. That is exactly my point.

The Honourable Sir Bhupendra Nath Mitra : I am not referring to any particular cases. Any body reading the facts can come to the obvious conclusion.

I shall refer to another instance. I read in the papers this morning that Mr. Subhas Chandra Bose, a name which is respected by me perhaps as much as it is respected by my friends on the opposite side (Ironical cheers from the Opposition Benches), had managed to bring about a reconciliation at Jamshedpur, but that Mr. Homi is trying his best to make that effort of his nugatory. There again is the writing on the wall, and I can draw my own inference from it. If my friend Mr. Joshi is unwilling to accept that inference, he is welcome to form his own conclusion. My difficulty with my friend Mr. Joshi is that for some reason or other he has become very pessimistic.

Mr. N. M. Joshi (Nominated : Labour Interests) : You are the cause !

The Honourable Sir Bhupendra Nath Mitra : The other day in this House he said that for the last 10 years employers in this country and the Government have done nothing for the uplift of labour. I should like to ask Mr. Joshi how does the position in this respect stand in the case of the textile mill industry in India. Has not the rise of wages there been more than the rise in the cost of living, starting as the *datum* line with the year 1914, and does not that prove that the rise in wages allowed during this period has enabled the workman to improve his standard of living ?

Mr. President : The Honourable Member by asking Mr. Joshi a question has invited interruption and should therefore give way.

Mr. N. M. Joshi : What I wanted to say was that I did not admit the statement made by the Honourable Member that the standard of life of the Bombay textile workers has gone up.

The Honourable Sir Bhupendra Nath Mitra : It is of course open to Mr. Joshi to adhere to his dictum. I refer to published statistics and Mr. Joshi has not produced anything to contradict those statistics. So far as the Government is concerned, the Honourable Mr. McWatters mentioned the other day the various items of action which Government have taken in the matter of the uplift of the conditions of labour. I wish to remind Mr. Joshi of one particular incident in which I was personally concerned and he was also personally concerned. This House also was largely concerned in that matter. As a result of the representations made to me by this House, and by Mr. Joshi personally and by associations of workers, in the last three or four years, I have taken steps to largely improve the lot of the workers in the postal service. That, Sir, is an instance of the good faith of Government in the matter. (Hear, hear). No, Sir, the trouble with my Honourable friend Mr. Joshi is perhaps the same as with my Honourable colleague the Home Member. He is reluctant to place all his cards on the table because of possible evil consequences that might result from such action hereafter. (Hear, hear.)

One of the arguments which have been used in connection with this Bill is that the measure is unnecessary, and my Honourable friend the Leader of the Opposition also referred to it. As I understand the argument, it comes to this. If it could be shown that a goodly number of foreign Communists have been spreading subversive doctrines in the country by organising the masses for revolt or by doing any of the things mentioned in the Bill, that would have made out a *primâ facie* case for this measure. I ask my Honourable friend opposite in all seriousness, are these the words of wisdom ? If my Honourable friend the Leader of the Opposition was told that there was an electric wire in his house which was in a faulty state and which was likely to set the house on fire, would he actually wait until the house was on fire before taking preventive action ? We know, Sir, from experience in other countries, including Asiatic countries like China and Japan, how Communism has spread its cancerous growth in the various countries of the world. That being so, I submit that it is incumbent on this House, on this august Assembly of the citizens of India, to take such preventive action as is considered necessary and wise to stop the extension of this evil in India. Whether at the present moment there are two foreign Communists, or one such Communist or any such Communist, spreading propaganda in the country is immaterial for the purpose. Nor do I attach any great weight to the specific letter of Mr. M. N. Roy. I am not, Sir, a legal Pandit.....

An Honourable Member : You are a financial Pandit !

The Honourable Sir Bhupendra Nath Mitra : ..... and I cannot unravel the intricacies of that particular letter from the point of view of the law of evidence ! But looking at the subject from the point of view of commonsense.....

An Honourable Member : Which is so rare !

The Honourable Sir Bhupendra Nath Mitra : ..... I submit that there can be doubt that it makes it incumbent on all of us to adopt the course of prudence. My Honourable friend the Leader of the Opposition also said that this legislation was superfluous because we have got Regulation III of 1818 and we can take action against all these people under that Regulation. Now, Sir, if that is so, that certainly establishes an admission of the principle of this Bill.

An Honourable Member : How does it ?

The Honourable Sir Bhupendra Nath Mitra : But there are difficulties, as I understand it, in the way of applying Regulation III of 1818.

An Honourable Member : What are they ?

The Honourable Sir Bhupendra Nath Mitra : Those difficulties appeal peculiarly to my financial mind. Now if we apply Regulation III of 1818, we have to intern these people in the jails of India, and in the present state of unemployment in various countries of Europe, I am not sure that that course of action would not attract more of these people to find their way to India so that they can be maintained free of cost in our jails. Now, Sir, in the interests of the tax-payers of this country, I should prefer that foreigners who commit any of the acts mentioned in this Bill should be straightaway put on board a boat and a third class ticket bought for them, as was mentioned by my Honourable colleague Sir Denys Bray the other day, and these people sent back to their homes to be prophets in their own country.

Pandit Thakur Dass Bhargava (Ambala Division : Non-Muhammadan) : May I know what the third class fare to England is ?

The Honourable Sir Bhupendra Nath Mitra : I have no present recollection of the figure. I think it is ten pounds.

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Sonthal Parganas : Non-Muhammadan) : Is that the single fare or for the return journey ?

The Honourable Sir Bhupendra Nath Mitra : Then my friend Mr. Ranga Iyer referred with a certain amount of approbation the other day to what the *Pioneer* had said on this particular subject. Well, Sir, I am a regular reader of the *Pioneer*. (Hear, hear from the Congress Party Benches.) It is possible, however, that on account of the official and personal worries during the past five weeks, I missed that particular article or failed to appreciate it. I found however in yesterday's *Pioneer* another article on the subject. This is what that paper writes :

> "Everybody knows the particular cases which have actuated the Government, everybody knows the legal difficulties they are in, and everybody, except the wildest extremist, is ready to meet them and to help in solving the problem."

This is in the *Pioneer* of the 13th September, and if the *Pioneer* in an earlier issue had expressed a different view on the subject, I have not the

[Sir Bhupendra Nath Mitra.]

slightest doubt that the able exposition of the case by my colleague the Honourable the Home Member the other day has persuaded the *Pioneer* to alter its views. The article proceeds to say :

"There can be little doubt that the sympathy of most people will be with Sir Hari Singh Gour."

We know that our Honourable and learned friend, while advocating the acceptance of the principle of the Bill, wants it to be referred to a Select Committee where legal technicalities can be examined by legal luminaries like himself or like my Honourable friend the late Advocate General of Madras.....

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : What is the heading of this article ?

The Honourable Sir Bhupendra Nath Mitra : Whatever the heading of the article may be, it matters little. Appearances are often illusory ; but I have given you the substance of the article.

Now, Sir, before resuming my seat, I beseech my friends opposite to look at the matter more dispassionately and not to attempt to block the measure which undoubtedly has its uses for India, under present day conditions not only in India but all over the world.

(Several Honourable Members moved that the question be put.)

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : Sir, I am one of those who are indebted to your wise and cautious ruling that this Bill should not be rushed through this House. But for that ruling, Sir, men like me who came to this House rather late would never have had the chance of listening to the excellent debate which has taken place on this measure, nor of taking part in it. I confess, Sir, I do not envy the position of the Honourable the Home Member, that the very first measure which he brings before this House as the Leader of the House is this objectionable Bill, and my sympathy goes out to him in his present misfortune.

I came to this House, Sir, with a very free and open mind, and I wrote to my Leader from Bombay that I would listen to the debate and then make up my mind. I, of course, came with a certain amount of distrust of the executive born of my past experience of the executive, but also with the view that if after listening to the speech of the Honourable the Home Member, the necessity for this drastic measure was made out, I would not block the Bill so far as my humble vote was concerned. I have listened to the Home Member's speech very carefully and if he will pardon my saying so, while I did so I had the same kind of feeling as when I am in the presence of my family priest. He tells me of a lot of things in Heaven, that there is a virtuous God, that there are cross-currents of vice and virtue, merit, and demerit. I have to listen to all these things on trust, I cannot question him as to the means of his knowledge. He always lands me on *terra incognita*, the borderland between faith and reason. I had the same feeling when I had listened to the speech of the Home Member, and I confess I am not concerned that the necessity for this measure is made out. I am surprised, Sir, that a lot of false issues have been raised before this House. It is said that the

Indian religions are in danger. Such a plea proceeding from a Government which has allowed Christian missionaries for well nigh 150 years to convert Hindu and Muhammadan children by the hundred in famine times is absurd. We are told that the Indian social system is in danger. For a Government which has allowed by Statute Indian Christian converts to keep and maintain their rights in the Hindu joint family notwithstanding their conversion, and which still allows a convert husband to disown his wife but not the wife to disown the husband, for that Government to come and say that the Indian religions are in danger, that Indian society is in jeopardy, is very specious logic and I, a hard headed lawyer, cannot attach any importance to such professions. I want to know the real necessity behind this measure—not the false issues which are put before this House—but the real reason behind it. I shall be absolutely frank with the opposite Benches. It is no use drawing red herrings across our path. I shall be frank by telling them that my main reason for opposing the Bill is that I distrust the executive. I have no confidence in this executive government as it is constituted. When my little boy asks me for a Mannlicher rifle I am entitled to inquire how he has used the air gun which I gave him some years ago. I am entitled to examine the conduct of the executive and ask them "How have you used on past occasions similar powers which you claimed in a panic ?" I cannot forget the Rowlatt Act in considering this matter. What sensation the Government created in this country ! My Honourable friend, Pandit Madan Mohan Malaviya, will tell us of the long struggle which he maintained at that time. The Right Honourable Srinivasa Sastri is fortunately still alive to tell us what unnecessary ferment the Government of India created in this country. And yet the odious Act, after it was passed, remained absolutely a dead letter. We were told then that India was in danger. This time it is the Communist—that time it was secret insurrections, and underground conspiracies. The Rowlatt Act was passed. How has it been used ? It remained a dead letter. I ask the Government now to consider whether it was worth their while to embitter public sentiment to the verge of madness, and secure powers which have since remained unused. The Act remained a dead letter.

Sir Hari Singh Gour : It was repealed.

Mr. M. R. Jayakar : I am speaking of the time while it was a live law in the country. Take all the other Acts which the Government have passed in a panic. When too late, Government say, "Oh, we have made mistakes". My Honourable friend to my right Lala Lajpat-rai was deported under a similar measure and after he had undergone terrible sufferings and privations for several years the Government came out and admitted in a halting manner : "We think we made a mistake". Having all that experience, I, a very hard-headed man, want to examine what case has been made out this time. I will accept for the sake of argument all that the Government Benches have said about the Agents of the Soviet Government, although my Honourable friend Mr. Srinivasa Iyengar gives me an entirely different picture. My redoubtable and gallant friend, Colonel Crawford, asked him, "How many days did you stay in Russia ?" Sir, when I heard that question I was reminded of a certain teacher of mine who at the time of the promotion to a higher class used to ask us, "How many years have you been in this class ?", not "How much have you studied ?", not "How much have you observed ?", nor "How much have you learnt ?"

[Mr. M. R. Jayakar.]

but "How many years have you spent in this class?" If it was a long period, he used to give promotion to the higher class. Colonel Crawford forgets that what an observant man like my Honourable friend Mr. Srinivasa Iyengar could gather in ten days, with all the opportunities of observation and inquiry which must have been open to him as a leading man of India, would be equal to ten years spent by a cold and unobservant official sent there by the British Government. It is not the time that counts, it is the measure of observation exercised. Mr. Iyengar tells me exactly the contrary story. I likewise read the other day in a paper called the *Bombay Chronicle* a description given by Mr. Chattopadhyaya of the methods of the Soviet Government, which does not tally with any of the odious pictures which have been painted of the Soviet Government on the other side. I am told, Sir, that England herself is very respectfully cautious in dealing with the Soviet Government and—I am speaking subject to correction—that there are many esteemed Members of the British Parliament who have secured valuable concessions in the territories of the Soviet Government. If the Soviet Government are such hideous creatures as painted to us, surely there is something unaccountable in the respectful treatment they receive in Europe. But, Sir, for the sake of argument I will assume that the Soviet Government and their agencies are all that they are represented to be by the other side. But, Sir, I refuse to believe, that so long as India is contented, India is peaceful, India has enough food to fill its belly, three or four European Agents of that Government would be able to convert this peaceful and contented land into a conflagration of revolution. I shake my head in doubt and say there must be something wrong somewhere. Sir, the measure before us is most extraordinary: extraordinary in more senses than one, extraordinary, *e.g.*, in the powers which it claims on behalf of the executive. My Honourable friend, Sir Hari Singh Gour, claiming to speak partially on behalf of the Government, talks of referring the Bill to a Select Committee.

Sir Hari Singh Gour: I never intended to speak on behalf of anybody except myself.

Mr. M. R. Jayakar: My Honourable friend Sir Hari Singh Gour, speaking in favour of a view which is very much identified with that of the Government, tells us, "Let us refer the Bill to the Select Committee." He says, "We will take it to the Select Committee. We will give the High Court powers of appeal. We will have a regular trial." I would ask the Honourable the Home Member whether he approves of a reference to a Select Committee for such purposes. If I can understand the principle of this Bill, Sir, it lies in the summary and swift manner in which these culprits are to be dealt with. If there is going to be a protracted trial, trial, *e.g.*, by some kind of jury system, with an appeal to the High Court, which must involve some delay, why, then there is no reason for this Bill at all, because the ordinary law of the land is quite competent for that purpose. I have examined this Bill. The very essence of the Bill is in the swiftness and secrecy with which the removal of the undesirable alien takes place. I am therefore surprised that Sir Hari Singh Gour should think of referring this Bill to a Select Committee for the purpose of actually killing the soul of this Bill. I am therefore against the reference to the Select Committee. The only question before us is

whether the necessity for such a drastic Bill has been made out, whether any urgency has been shown. Two or three instances have been shown, I quite agree. Two or three Englishmen's names have been mentioned. But if we examine the Bill we will find that the ordinary law of the land is quite competent to deal with these solitary cases. I do not wish unnecessarily to detain the House at this late hour. Take clause 2 (*a*):

> "directly or indirectly advocates the overthrow by force, etc."

That is already provided for by the Indian Penal Code. Likewise clause 2 (*c*) is provided for by the Indian Penal Code. The only thing that one might say is not perhaps provided for by the present Penal Code is 2 (*b*), and it constitutes, if I may say so, a new offence—

> "Whoever seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting the authority of law or organised government in British India, etc."

shall be punished. With great respect to the draftsman of this Bill, I say, Sir, that there is a most dangerous width of language in the clause, dangerous especially at the time of strikes, for instance.

Mr. Lalchand Navalrai (Sind: Non-Muhammadan Rural): It falls within section 124-A.

Mr. M. R. Jayakar: I have not examined this question carefully. Possibly my Honourable friend from Karachi is right. Possibly it does come within the existing law. (*An Honourable Member*: "It does.") But supposing it does so fall, for the sake of argument, it does not affect my main argument. The question is, is any case of urgency made out? The Bill has been in many places carelessly and hastily drafted. Clause 4 (4) says:

> "In particular and without prejudice to the generality of the foregoing power, the Governor General in Council or the Local Government or any such officer as aforesaid may require the master of any ship"

to take us as a passenger the victim of this measure. I should like to ask the Government of India "Under what power?" I should like to ask the Honourable the Home Member "Under what existing law can you compel the master of a ship to take a Spanish gentleman, *e.g.*, who comes out to this country, and whom Government want to deport?" I am only pointing out one instance out of several which I can multiply—but do not wish to do at this late hour—that this Bill has been most indifferently and carelessly drafted, cannot be denied. I am therefore asking for more caution, more time, and that no panicky or hasty legislation should be rushed through this House at the point of the bayonet. Government have enough power in their hands to go on with in the meanwhile. We are told that they are very unwilling to exercise the power under the present law. We are told that the Regulation of 1827 is very crude, that it is like an instrument which makes noise when Government cut with it, and that Government want to avoid this noise. Therefore the Government want an instrument so fashioned that it is very sharp and at the same time will not make any noise when it cuts. I am only paraphrasing their argument. The Regulation of 1827 creates too much sensation they say. It causes too much stir in the country, too much newspaper comment. It is therefore in their opinion a crude weapon. Therefore we are asked to give them a fine instrument so that when it cuts it will not make any noise at all. When Government come

Mr. President : Ordinarily I should have granted the request of Honourable Members, but the debate on this motion has already taken three days and it is not proper to allow it to be further delayed by any postponement. So far as I am concerned, I think that I can continue to sit for six days in the week in the Chair for five hours every day ; and I hope Honourable Members, in the peculiar circumstances of this particular Bill, will allow me to sit to-morrow. I have decided for myself that I should sit to-morrow and finish this debate, and for that purpose to accept the closure at the end of the day and take the division. In the circumstances, I trust Honourable Members will not object to my sitting to-morrow.

The House stands adjourned till Eleven to-morrow morning.

The Assembly then adjourned till Eleven of the Clock on Saturday, the 15th September, 1928.

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LEGISLATIVE ASSEMBLY.

Saturday, 15th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL.

Mr. President : The House will now resume further consideration of the following motion and amendments moved on the 10th September 1928 :

Motion moved by Mr. Crerar :

" That the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, be taken into consideration."

Amendment moved by Mr. Amar Nath Dutt :

" That the Bill be circulated for purpose of eliciting opinions thereon."

Further amendment moved by Sir Hari Singh Gour :

" That the Bill be referred to a Select Committee consisting of Mr. Fazal Ibrahim Rahimtulla, Sir Victor Sassoon, Nawab Sir Zulfiqar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover, with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Mr. Jehangir K. Munshi (Burma : Non-European) : Sir, I am not a Communist. I hold no brief for the Doctrine of the Communist. I have no sympathy for Communistic propaganda. I do not believe that the Communists will succeed in making the world a better place to live in. So far I am more or less in agreement with some of the views expressed by the Honourable the Home Member. But, Sir, these are my own personal views. I do not claim that my judgment is infallible and I do not think the Honourable the Home Member would claim for a moment that his judgment is infallible. Let us assume that the views which we hold at the present moment are not sound ; is it then right for us to deny to other persons who hold different views the right of freedom of speech, freedom of expression and freedom and liberty of association ? I do not believe in enacting repressive laws unless the very strongest possible case is made out by the Government for restricting liberty which is the birthright of every subject, British subject or any other subject residing in British India.

Sir, I doubt very much if the Honourable the Home Member has a clear or definite idea in his mind as to what the present day Communism is. If we examine the broad principles of Communism I do not think any objection could be taken to them. After all we have got the essence of the principles of Communism in the present British Constitution. What do we find in England at the present moment ? Death duties to the extent of 40 per cent. are levied. The State takes away forcibly 40 per cent. of a man's estate when he dies.

Mr. T. Gavin Jones (United Provinces : European) : That is not Communism.

Mr. Jehangir K. Munshi : That is Communism ; the State imposes these heavy Death Duties so that one man who in the opinion of the State has too much should be relieved of his extra burden and that it should be utilized for the benefit of the poorer section of society.

Mr. T. Gavin Jones : That is Socialism.

Mr. Jehangir K. Munshi : By whatever name my Honourable friend may call it the principle is there, that the State should provide for the more unfortunate persons of society by taking away from the more fortunate persons something which in the opinion of the State they are overburdened with. Then, Sir, what do we find in the principle of the Super-Tax ? It is nothing else than an attempt on the part of the State to take away from a man a considerable portion of his excessive income so that the surplus may be utilized in bettering the lot of more unfortunate persons. Sir, so far as the broad principles of Communism are concerned nobody in this House could object to them. The real issue is as to the methods to be adopted for preaching or promoting the spread of these doctrines.

Now, Sir, let us examine the Government measure assuming that it provides for a regular trial by the Courts. So long as violence is neither practised nor preached, I do not think there is the slightest necessity for interfering with any persons whatever views they may hold or may attempt to preach. But the present Bill goes a great deal further. The present Bill, to which the Honourable the Home Member has invited us to commit ourselves, does away with the right of trial and seeks to give the Executive Government the power to remove from British India certain persons who entertain certain views or do certain acts. We have been told by the Government of India with a magnificent gesture that British Indian subjects and subjects of Indian States have been left out of the operation of this Bill. Well, I for one would have preferred to be kept within the operation of the Bill. Suppose British Indian subjects were also kept within the operation of the Bill, what would the Government of India do ? Would the Government of India remove British Indian subjects from India and send them to Australia, Canada or South Africa ? That cannot be done. Necessarily, therefore, British Indian subjects must be left out of the provisions of a Bill like this since it seeks to remove from India certain persons.

The most serious point which strikes me, Sir, is this. If legislation of such a pernicious and sweeping character is sought to be introduced against European British subjects and foreigners, what will be the necessary corollary of such a Bill in the very near future so far as British Indian subjects are concerned ? Sir, I think I am entitled to ask the Honourable the Home Member to tell the House in definite language and in an unequivocal manner as to what the Government of India proposes to do with regard to Indian Communists ? To my mind there are two possible courses. Either the Government of India will make use of that most pernicious piece of legislation, Regulation III of 1818, against Indian Communists, or they must in the very near future introduce legislation of an equally sweeping and pernicious character depriving Indian Communists of the rights which they enjoy at present. If the intention of

the Government is to check Communism in British India it is inconceivable that they should leave out the Indian Communist. It must necessarily follow that in a very short time the Government of India will come before this House with a Bill operating against British Indian Communists, unless, as I have said they have made a mental reservation that they will continue to make use of Regulation III of 1818 against British Indian Communists. Whichever of the two courses the Government of India proposes to adopt, we, Sir, must record our strong protest against either course. It is no use the Government telling the House at the present moment that British Indian Communists are not affected by the present Bill. They are affected and must be affected ; and we cannot possibly shut our eyes to the fact that in the very near future, as a natural result of our committing ourselves to the principle of this Bill, the Government of India will come before this House and ask for summary powers of a similar nature against Indian Communists. I do hope, Sir, that the Honourable the Home Member will tell us definitely what he proposes to do with regard to Indian Communists. I take it, Sir, that the Home Member is not suggesting that whatever Indian Communists may do they will be let off. If we accept the principle of this Bill, if we punish non-Indian Communists, whether they are British or foreign, it must necessarily follow that Indian Communists must also be dealt with ; and the House is entitled to know what the Government of India proposes to do with regard to Indian Communists.

Now, Sir, is there any real necessity whatever for this legislation ? I do not wish to travel over the same grounds again. It has been clearly pointed out by able speakers from the Opposition Benches that we have on the Statute-book at present ample safeguards, if the Government of India really want any safeguards, to meet the present alleged situation. So far as foreigners are concerned , I do not see the slightest necessity for any fresh legislation, as we have at present on the Statute-book, Act III of 1864, the title of which is " An Act to give the Government certain powers with respect to foreigners ". The powers given under this Act are not only as sweeping and wide as the powers sought by the Government of India by the present Bill, but in a sense they are wider, because the Government of India need not specify any reason for dealing with foreigners under the Foreigners' Act. The first four sections of this Act, which are always in force , give the Government of India more than sufficient powers to deal with foreign Communists who enter or reside in British India. It gives them ample powers to remove any foreigners whether they are Communists or not. Now, it is very strange, Sir, that though so many Members from the Government Benches have taken part in this debate nobody has told us definitely as to whether this Foreigners' Act does or does not give the Government of India sufficient powers to deal with foreigners, whether they are Communists or not. We would like at the earliest possible moment in the course of this debate to hear from the Government of India whether the claim made by the Opposition Benches that the Foreigners' Act gives the Government ample power to deal with foreign Communists, is a well-founded claim or not. If it is not well founded, the Government of India should tell the House in what way the Foreigners' Act fails to give the necessary powers to the Government of India to deal with foreign Communists. Then, Sir, by section 5 of the Foreigners' Act further powers are given to the Government of India against foreigners which can be brought into operation by the issue of

[Mr. Jehangir K. Munshi.]

a Notification. There is only one proviso which exempts from the operation of the subsequent sections of this Act—

"any foreign minister duly accredited by his Government, any consul or vice-consul, or any person under the age of fourteen years, or any person in the service of Her Majesty."

I do not know, Sir, whether the Government of India is feeling nervous that British India will be filled with Communists under the age of fourteen years. I take it, Sir, that the Government of India have no real apprehension from Communists or Bolsheviks under the age of fourteen years. Sir, it seems to me that the inclusion in the present Bill of foreigners and every reference therein to foreigners is entirely superfluous. There is not the slightest necessity for asking for this fresh legislation so far as foreigners are concerned ; and why should we be called upon to put on the Statute-book superfluous and unnecessary legislation ? Unless the Government of India can clearly show how they are handicapped in the use of the powers which they have already got under the Foreigners' Act, it is impossible for this House, Sir, to contemplate giving them unnecessary and superfluous powers to deal with foreign Communists.

Then, Sir, we come to the real and the most important part of the Bill, the British Communists. With regard to British Communists, I do not think the Government of India will contend that they have not got sufficient powers to deal with them under Regulation III of 1818. Regulation III of 1818 applies to everybody ; it applies to British Indian subjects, as well as European British subjects and to all foreigners ; everybody who is in British India can be dealt with by the Government of India under Regulation III of 1818. Sir Bhupendra Nath Mitra yesterday took upon himself a very serious responsibility. He told the House that in his opinion it was inadvisable to use Regulation III against European British Communists on financial grounds. He told the House—I do not know whether he wanted to be taken seriously—that by enacting the present proposed law the Government could get rid of a British Communist by expending £10, but that if British Communists were to be dealt with under Regulation III of 1818 they would have to be kept in prison and fed for a considerable period at the cost of the tax-payer. I do not know, Sir, if Sir Bhupendra Nath Mitra took upon himself the responsibility of advising the Government of India to introduce the present legislation against British Communists, on the ground that although Regulation III of 1818 is sufficient to deal with European British Communists, it is not advisable to make use of it for financial reasons. I do not think, Sir, that Sir Bhupendra Nath Mitra really meant what he said. There must be some other reason for the Government's reluctance to make use of Regulation III against British Communists ; and we have got to find out that reason. The Opposition Benches in this House are not in the confidence of the Government of India ; and all that we can do, Sir, is to indulge in inference or conjecture. If Regulation III of 1818, were to be used against British Communists, it will cause an uproar in the country. I challenge the Honourable the Home Member to deny the assertion that I am making, that if Regulation III of 1818 is used against British Communists, it will cause an uproar in England. What does the Government of India want to do to overcome this difficulty ? The Government of India wants to force on this House the odium of passing this pernicious Bill against British Communists. Why should we be subjected to such odium ? Why should we be a consenting party to any legislation to keep out British Communists, when the Government of India has already got sufficient powers under Regulation III to restrain them and to confine them in India, whether they are Communists or not ? I do not think for a moment that any British Communist who is placed under restraint or is confined under Regulation III would prefer to remain in confinement in India if the Government of India gave him the option of leaving British India.

I have made it clear, Sir, that at the present moment the Government of India have got ample powers to deal with British as well as foreign Communists, and that there is no necessity whatever for any fresh legislation.

There are three courses open to the Government of India with regard to dealing with British Communists. They can use Regulation III against British Communists or they can ask the British Parliament to pass the necessary Act to prevent British Communists from entering or from remaining in India, or they can ask this House to be a party to this pernicious and unjust legislation against British Communists. If the British Government or the Government of India is really convinced of the serious danger to India from British Communists, legislation of this kind should be introduced in the House of Commons against British Communists. The British Parliament has got full powers to deal with every British subject. Let the British Parliament decide whether it is right or wrong to exclude from India British Communists. Let the House of Commons determine whether it is just or proper to restrict the rights and liberties of British Communists. Why should we be forced to undertake this legislation ? Let us picture for a moment the Home Secretary standing up in the House of Commons and trying to introduce a Bill of this nature. I am afraid, Sir, the General Election will be hastened immediately. The present party in power would crumple up. A British Cabinet Minister would never dream of introducing in the House of Commons legislation of this kind in times of peace against British Communists. What the Government of India wants to be able to say is : "We have committed ourselves to giving certain rights and powers to the people of India. They have representatives in the Assembly who have passed this Bill. It is our duty to respect the sentiments of the Assembly." The Government of India is forcing us to embark on legislation of this kind with a view to tell the people of England that the Legislative Assembly has been a party to this legislation.

In dealing with this Bill we cannot afford to lose sight of one political party in England, the British Independent Labour Party. Some of its members frequently visit India and indulge in speeches and contributions to the Press during their short stay in India. They express a certain kind of sympathy for Indian aspirations, and when they go back they carry on in England a certain kind of propaganda in favour of Indian aspirations. It is an open secret that these members of the Independent Labour Party and their activities are not acceptable to the Government of India What would happen if we arm the Government of India with such powers ? As human beings they might be tempted to use these powers against members of this particular Party. I do not wish to impute any motives to any member or to any section of the House. I do not doubt that the Government of India believes that there is some need for this legislation, but we as legislators have got to provide safeguards. We have got to save the Government of India from themselves.

[Mr. Jehangir K. Munshi.]

Now, Sir, the present constitution confers the right of legislation on the Indian Legislature, and not on the Government of India. It is the Indian Legislature which has got to consider every question on its merits and decide accordingly. What are we asked to do in the present case ? We are asked to delegate our powers of legislation to the Governor General in Council. It was not intended that the Governor General in Council shall make any law, because the constitution provides that we shall make every law. Why should we delegate our powers to the Governor General in Council ? That is what we are asked to do. The Home Member has found himself unable to place any facts or materials before the House. The Home Member asks the House to accept his word for it. So far as I am concerned, I am prepared to accept his word. I accept his word when he says that he is in possession of certain materials. I accept his word when he says that he is convinced from those materials that there is a menace or danger to India. But I cannot accept his word, if he tries to assert it, that he cannot be wrong or mistaken in that inference or that opinion. It is for us to test those materials. We cannot blindly accept the opinion of a Member sitting on the Government Benches, however much we may trust him personally. Why should I surrender my judgment to any Member sitting on the Government Benches ? That is the crux of the question. We are being asked by the Government of India to surrender our judgment to the Government Benches, to the Governor General in Council, and in a way to abrogate the oath we have taken in this House to faithfully discharge our duties.

The strangest part of this debate has been that two Members of the Opposition, who would be very seriously affected by the so-called menace to India from Communism, have definitely told the Government of India that there is no such menace, and that they do not want this legislation. One is the able Member representing the Bombay Indian Merchants' Chamber in this House, Sir Purshotamdas Thakurdas. He is a capitalist and represents in this House capitalist interest. He is in close touch with the textile industry in Bombay. When a man like him comes before the House and tells us that there is no menace to India from Communism, how can the Government of India expect us to believe them in preference to Sir Purshotamdas Thakurdas ?

Then, Sir, the second Member, I am referring to is Mr. Joshi, who represents Labour in this House. Sir Victor Sassoon warned Mr. Joshi that if the Communists obtained a hold on Indian Labour, Mr. Joshi's present power will disappear. But Mr. Joshi has told us that Communists have obtained no footing in India and that the influence which he is at present able to exercise over Indian labour has not been affected by Communism. Now surely, Sir, Mr. Joshi's opinion is valuable as he is in direct touch with Indian Labour. The Home Member is not in touch with Indian Labour, nor are the other Members sitting on the Government Benches. Have we then got to rely on second hand reports ? How can the Government ask this House to accept its opinion based on materials which have not been disclosed to the House in preference to Mr. Joshi's opinion based on personal knowledge of facts ?

Sir, I do not go to the length to which my Honourable friend Mr. Jayakar went yesterday. If the Government of India were to convince me by placing the necessary materials before the House that there is a real menace or danger to India from Communism, I would be prepared to arm the Government with powers necessary to deal with the situation, and I would be prepared to trust the Government of India to exercise such powers fairly and honestly.

I am not disposed to mistrust the Government of India. I am prepared to accept their word that they would exercise these extraordinary powers in a spirit of fairness and justice. But before I can do that, I must be convinced that there is a real menace to India and that such menace can only be overcome by legislation of this kind.

The whole difficulty of the situation in this House, Sir, is the excessive amount of distrust prevailing on both sides of the House. The Honourable the Home Member absolutely refuses to trust any Member sitting on the Opposition Benches. My Honourable friend Mr. Jayakar returned the compliment by saying that he cannot place any trust in the Government of India as it is at present constituted. Well, Sir, the position is that the Government of India refuse to trust Mr. Jayakar or the other Members of the Opposition ; and the Leaders of the Opposition refuse to place any reliance on the words of the Government of India. I deplore the fact that the Government of India is not prepared to take any Member of this House into its confidence and divulge to him the materials on the strength of which the Government asks for these powers.

Now, Sir, I do not know what sort of menace this can be which has thrown the Government of India into such a state of panic. So far as the province which I have the honour to represent in this House is concerned, I may assure the Honourable the Home Member that it is absolutely news to me, as well as to my Honourable friend U. Tok Kyi, who along with me represents Burma in this Assembly, that there is any such danger or menace from Communism, so far as the province of Burma is concerned. Both of us ought to know something about it, if there was any foundation for such alleged menace.

Sir, in the speech delivered by Sir Denys Bray, one thing struck me as queer. He said that he was filled with indignation at certain statements made by Lala Lajpat Rai. I do not propose to go into the pros and cons of the statement made by Lala Lajpat Rai which filled the Honourable Sir Denys Bray with indignation. When dealing with this particular legislation, we cannot possibly banish from our minds the living instance of a brother Member here—Lala Lajpat Rai—who years ago was dealt with under Regulation III of 1818 and who was deprived of his liberty and kept in one of the prisons of Burma. Is Sir Denys Bray surprised that the heart of that man is filled with bitterness ? Does Sir Denys Bray expect that man to show good will towards Government after spending six or seven months of the best part of his life in that wretched condition in a far-off prison in Burma ? I want to ask what Sir Denys Bray would feel if the Honourable Pandit Motilal Nehru were to lock him up for a couple of hours in one of the cloak rooms of this House ? I cannot imagine the Honourable Pandit doing anything so undignified ; but let the House imagine Pandit Motilal Nehru locking up Sir Denys Bray for a couple of hours in the cloak room. I am afraid, Sir, that on the expiry of those two hours, Sir Denys Bray would not only feel indignant, but he would be filled with the murderous hatred characteristic of the red Russian Bolshevist.

[Mr. Jehangir K. Munshi.]

In legislation of this type, the Government should proceed with caution. Even if the Government of India acts with the best of intentions—I do not want to doubt their intention—if the Government should act harshly or unjustly even in a single instance, imagine the bitterness and the rancour with which the heart of that particular man would be filled.

Well, Sir, if the Government of India adheres to the position that they are unable to take even two Leaders of the Opposition into their confidence and place all or at least some of the materials before them, then the Government must blame themselves if this House refuses to surrender its judgment to the Government of India.

Sir, my Honourable friend, Sir Victor Sassoon talked a great deal about China and the destructive effect of Communism in China. Although I have not had the privilege of meeting Chinese Generals as Sir Victor Sassoon had, I have also been to China ; and, apart from that I have had numerous opportunities of coming in close contact with the Chinese race for more than fourteen years in Burma. I have had opportunities of knowing a large number of the Chinese people residing in Burma, some of whom have got relations and connections in China and some of whom frequently go to China. I think I am entitled to tell the House that what I have learnt about Communism in China is not borne out by the statement made by Sir Victor Sassoon before this House.

Now, Sir, with your permission I wish to deal with another point. It is not only a point for opposing the Bill in its present form, but it is also a point of order and jurisdiction which I shall raise at the proper stage. The Bill as it is framed seeks to affect persons who do certain things outside British India. Now, with your permission, Sir, I shall read certain parts of this Bill and apply them to section 65 of the Government of India Act. Clause 2 of the Bill reads as follows :

" In this Act the expression 'person to whom this Act applies' means any person (not being an Indian British subject or the subject of a State in India) who—

(*a*) directly or indirectly advocates the overthrow by force or violence of the Government established by law in British India, or the abolition of all forms of law or organised government, whether in British India or elsewhere, or the assassination of public officials, or the promotion of enmity or hatred between different classes of His Majesty's subjects, or the destruction of property or unlawful interference with the ownership of property; "

Now, Sir, take the case of an Englishman who has never been to India and who is not concerned with India, but who takes an active part in the Communistic propaganda in England, a thing which the Laws and the Constitution of his own country allow him to do. But in doing that he makes himself liable to be dealt with under this Bill. Suppose that Englishman has been confining his Communistic activities to the people of England for five years and that thereafter he comes to India as a tourist and does not take any part in Communistic propaganda in India ; even then, according to the provisions of this Bill, as it is framed at present, he comes under the definition of a person liable to be dealt with under this Bill. He is liable to be removed from British India by the Government of India. It is my submission, Sir, that this House has no power to pass such a Bill. We have no power to legislate in respect of persons out of British India. What we are called upon to do now is to legislate even

in respect of persons who reside in England and whose activities are confined only to England.

Mr. President : Where does the Honourable Member find the word " reside "?

Mr. Jehangir K. Munshi : Section 65, clause (1) says that the Indian Legislature has power to make laws for all persons and for all things within British India.

Mr. President : If a Britisher happens to be in British India, is not this Legislature entitled to make laws in respect of him ?

Mr. Jehangir K. Munshi : I submit, Sir, that we can make laws only in respect of something that he does in British India and not in respect of something that he does and which he is entitled to do in England. If an Englishman who permanently resides in England and has been carrying on Communistic propaganda in England comes to British India, but does not take any part in the Communistic propaganda in India, then according to the Bill as it is framed at present, he can still be removed from British India for the acts which he did in England though he does absolutely nothing in British India.

Mr. President : Because he is in British India.

Mr. Jehangir K. Munshi : But I submit, Sir, that he commits no offence in India by merely visiting India either in respect of this Bill or otherwise.

Mr. President : That is very far-fetched, Mr. Munshi.

Mr. Jehangir K. Munshi : I submit not, Sir. But, as I have already said I am not raising a point of order at the present moment ; I am only drawing the attention of the Government of India to the fact that section 65 of the Government of India Act does not permit this House to legislate in the manner that they are asking us to do, and it is one of the grounds for opposing certain provisions of the Bill. As I have said, I shall raise it as a point of order when the question of passing the Bill comes up before the House.

Now, Sir, whether under section 65 of the Government of India Act this Legislature has or has not the power to pass this Bill, I ask the Government of India : is it fair, is it just, that an Englishman who does no wrong in India and who leaves Indians alone, should be liable to be removed from British India simply because he indulges in certain activities in his own country which are not debarred by the laws of his own country ? If an Englishman does something which is perfectly lawful in his own country and if he visits India as a harmless tourist, why should he liable to deportation ? Are we to be a party to legislation of this kind against Englishmen who after all are our fellow-subjects ? I object, I strongly object, to be made the odious source or instrument for such permissions legislation against Englishmen.

I do not propose to take up the time of the House any longer ; but I do trust that the Honourable the Home Member or any other Member from the Government Benches will categorically and unequivocally answer the following questions :

(1) Does the Government of India think or does it not think that the Foreigners' Act gives them ample powers to deal with foreign Communists ?

[Mr. Jehangir K. Munshi.]

(2) If the Government has got sufficient powers under the Foreigners' Act to deal with Foreign Communists, what is the necessity for any further legislation ?

(3) Cannot the Government of India deal with British Communists under Regulation III of 1818 ?

(4) If it can, what are the reasons for its reluctance to use that Regulation against British Communists ?

(5) Is it not open to the British Parliament to deal with British Communists by legislation undertaken in the British Parliament ?

(6) If that is so, why does the Government of India think it better that such legislation should be undertaken by this House and not by the British Parliament ?

(7) And what is most important is, how and in what manner does the Government of India propose to deal with Indian Communists ?

I wonder, Sir, if after this debate in the House the Honourable the Home Member will consider it necessary and advisable to take at least two Leaders of the Opposition into his confidence and disclose to them some of the facts and materials on which the demand for this legislation is based ? This Bill is full of a number of pernicious principles, and it is impossible for us to agree to any of the pernicious principles underlying the Bill till we are convinced beyond the shadow of a doubt that there is a real and grave menace which would justify legislation of this kind. I therefore, Sir, consider it my duty to refuse to accept the principle of the Bill ; and I feel that the best interests of the country will be served by its circulation.

Mr. S. M. Bharucha (Bombay : Nominated Official) : Sir, I rise to support the Bill moved by the Honourable the Home Member. I support it both on theoretical and on practical grounds. The theory is, Sir, that every right-minded Indian is first and foremost for preservation of law and order. India has suffered in the past enough from anarchy and disorder ; and if the preservation of law and order requires a little repression here and a little repression there among its own nationals, even then India is for that little repression rather than for anarchy and disorder in the name of liberty. Sir, if that is the case in connection with its own nationals, would it be a very great thing if Government were to ask for power to deport undesirable aliens and non-Indians who in the name of freedom and liberty come here and sow the seeds of anarchy and disorder ?

That is the theory, Sir. As for practical grounds, let us look at the peculiar circumstances in which India is situated. There are, Sir, in this huge continent two big systems of religion prevailing, two systems of religion which are sometimes in many respects antagonistic to each other. As long as there is peace in the country Hindus and Muhammadans live together in peace and amity in lakhs of our villages and in thousands of our towns and cities. In villages they are very very poor as everybody knows and there is a tendency to migrate every year and every season to towns and cities in search of a living. There, Sir, too they live in peace and harmony until their passions are aroused. I yield to none in my admiration for the solid virtues of our Indian peasant and our

Indian labourer. I have come into contact with him for the last 30 years in almost every district of the Bombay Presidency and Sind. His patience, his simplicity, his honesty and his contentment are above all praise ; but, Sir, unfortunately he is very much handicapped on account of his illiteracy, credulity, superstition, and, where a question of religion is involved, fanaticism. Sir, there is no nobler task for the Government of India or for the intelligentsia of the country than to ameliorate the condition of these peasants and these labourers ; but the operation of the measures by which alone their condition could be gradually improved and by which, in towns and cities they could earn double the wages they are earning at present, and in villages they might be able to grow two blades of corn where at present there is only one,—I say the operation of these measures must be slow because the measures are primary education, technical schools, co-operative societies, agricultural banks, cottage industries, trades unions. To some of my friends the pace of progress appears to be very slow ; others would like to accelerate it not by enforcing these measures alone but by initiating a war against capital in towns and cities and a war against landlordism in villages. They are taking a leaf out of the book of Communism, a foreign growth altogether, and they do not mind seeking and invoking the help of foreign Communists. Now, Sir, Communism is a noxious plant, absolutely alien to our soil. But unfortunately, if imported in large quantities and after it takes a deep root, it will find a most congenial evironment—an environment consisting of, as I have said before, illiteracy and credulity. This noxious plant, if allowed to overrun the country, will be very difficult to eradicate later on ; it will be extremely difficult to save our ancient culture and our fabric of industrial concerns, if it is allowed to be firmly planted. I may take another analogy. This wretched Communism is a very small streamlet in the beginning. Unless it is diverted and dammed at the source, it will gather force and strength as it descends the hills and meets with other torrents and cross-currents—it might gather such volume and become such a terrible flood that it might burst the flood gates of law and order. Then it will be very difficult to stop this flood from engulfing and sweeping away what is nearest and dearest to the hearts of every patriot in India. Unfortunately, Sir, there are a few people in this country who fondly imagine that if in that same flood the present system of government is swept away, they would not mind taking that risk. It is a mistaken belief. Government have very wisely taken their stand on the hill tops of patience, preservation of law and order and promise of self-government by stages. It is the people of India who will really suffer if this flood comes down. It is our big landlords, our merchants, our millowners, our ancient chivalry, our noble houses who will suffer ; just as it happened in Russia, it is these innocent men who will suffer. It will be the duty of the Government then to save the wreckage and rebuild what they can.

At present, in our fair city of Bombay nearly a lakh and a half of people are out of employment. There is an unprecedented mill strike going on there. People are losing wages at the rate of at least a lakh of rupees a day ; at that rate probably they have lost already about a crore and a half. It is not difficult to imagine what the plight of these poor lakh and a half of people must be at present. It is not difficult to imagine that they must be having hardly a decent meal a day. The Government of Bombay held two conferences to bring the millowners and the mill hands together. Unfortunately both the conferences broke down.....

Mr. N. M. Joshi (Nominated : Labour Interests) : May I ask my Honourable friend who used to meet the millowners ?

Mr. S. M. Bharucha : Ninety per cent. of these mill hands are willing to go back to work if allowed to do so. But it is the small percentage, a very small percentage I may add, who have perhaps imbibed the doctrine of Communism that buoys them up with false hopes ; and in the meetings of the mill hands in their *chawls* in Bombay and in my district night and day, there is persuasion not to go to work and sometimes intimidation. Mills are picketed and there are even assaults. It is not difficult to imagine, Sir, what the strain on the police force of Bombay must have been for the last five months ; and recently some leaders of the mill strikes declared that they will not be responsible for the safety of the mill property if this strike went on much longer. I ask who will suffer ? If this unfortunate, half-hungry crowd of mill hands broke out in disorder, will not innocent tradesmen, merchants, house-owners and even poor ladies suffer in the first few hours ? Because, Sir, it is only in the first few hours that the real damage is done ? A mob when out of order, when it gets out of hand, is like a mad infuriated bull ; it sees nothing but red ; it destroys everything that comes in its headlong career and tears friends and foes alike, till it is killed. Sir, this lurid picture is not at all from my imagination. In my thirty years of service I have had to deal with riots and I know what I am talking about. The Government of India come to this House.....

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : But how will the situation improve if this Bill is passed immediately ? Will you kindly let me know ?

Mr. S. M. Bharucha : Kindly listen to me. The Government of India come to this House with a very modest demand. (*Honourable Members* : " A very modest demand ! !) " Well gentlemen have patience to listen ? The Government of India comes to this House with a modest demand that this poison of Communism should not be allowed to be imbibed and implanted in this land where it is absolutely unknown up till now. It is not a question of deporting an undesirable Englishman here or a Red Russian there. It is purely a question of seeing that this poisonous doctrine is not taught to our illiterate dumb millions, this doctrine which makes a lazy man turn covetus eyes on his industrious and well-to-do neighbour's property. That is the way in which, if this Bill is passed, the whole danger will be nipped in the bud ; and if the hands of Government are strengthened by this legislation, it will be open both to Government and to the intelligentsia of this country, as I have said before, to ameliorate the condition of our poor ryots by constructive legislation.

Sir, let us not play with fire, as has been said before. My friend the Honourable Mr. Ranga Iyer, the other day—I am sorry he is not in his seat to-day—put a very pertinent question. " Where is the fire ? Show the fire ". I say there is no smoke without fire. But if I were to point out to him the smokeless chimneys of the Bombay mills, he will say " Oh, well there is no smoke even ". I say " Yes ; there is no smoke. Communism is a smokeless powder and it takes time before it explodes ; but when it explodes there is no remedy." So, once more I say, Sir, let us not play with fire.

Mr. T. Gavin-Jones : Sir, every Honourable Member in this House who has any sense of responsibility or any sense of the realities of the situation, or has the interests of India at heart, must of necessity support the principle of this Bill. It was a matter of surprise to me to hear that this Bill was going to be made a controversial subject.

12 NOON.

The situation is a piquant one. On Monday we heard the Honourable the Leader of the Opposition vigorously upholding the control of the British Parliament over the Indian Legislature, while, on the other hand, we heard the Honourable the Law Member equally vigorously supporting the rights of the Indian Legislature, and during the last three days of the debate we have heard Honourable Members opposite vigorously supporting the liberty of any and every European subject coming to this country.

Sir, there is an atmosphere of unreality surrounding all this. Of course, we are duly grateful to Honourable Members opposite for looking after our interests, but we will be a great deal more grateful if they will lend us their assistance when we really want it. Sir, I do not believe that Honourable Members opposite in their heart of hearts really oppose the principle of this Bill. What they do oppose is the Government and all its ways.

Now, Sir, this is a Bill which it is urgently necessary to pass, and I hope they will forgive me if I say that in this instance they are acting in a very unpatriotic manner (Hear, hear from the Congress Party Benches), and I congratulate the Honourable Sir Hari Singh Gour on his well-reasoned and patriotic speech, and I hope that Honourable Members in this House will support his amendment.

Sir, time was when legislation of this character was unnecessary, but since the Russian Revolution, an organization has been created called the " Third International " with ramifications all over the world and with its headquarters in Moscow from whence it is financed, and it is supported by the Russian Government. This organization is carrying on warfare, an insidious warfare, not only against all Governments in the world, but against all existing institutions, economic, social and religious, and it is the duty of every self-respecting citizen who values these institutions to oppose this warfare with every power in his possession.

The Honourable Member, Mr. Srinivasa Iyengar, told us of his visit to Russia, and he endeavoured to point out to us how wonderful Russia is. Now, Sir, I have no doubt that Mr. Srinivasa Iyengar is quite sincere, but he did not tell us how long he was in Russia. Considering the fact that his tour in Europe lasted for only three or four months, he could not have been in Russia for more than one or two weeks. Also the Honourable the Leader of the Opposition told us a great deal about the Labour Party tour which was conducted through Russia. It leaves me cold to hear the reports of all these individuals and parties who are personally conducted by the Government of Russia through Russia. Not very long ago Honourable Members opposite were indignant and asserted that a certain lady, Miss Mayo, was personally conducted by the Government of India on her tour through India. Now, Sir, these Honourable Members who objected to that are hardly the right people to bring forward evidence of this kind in this instance.

[Mr. T. Gavin-Jones.]

Now, Sir, Russia is in a deplorable economic state, and sooner than accept the evidence of people who have been conducted round the country in a short time, I prefer to rely on the cold facts of economic statistics. In a Statistical report published in Canada a copy of which I have here, they say that before the war Russia was their strongest competitor in the markets of the world in wheat, and now Canada is the biggest wheat exporting country in the world. Not only that but Russia has now placed large orders in Canada for wheat. I have also seen reports in all the economic papers which shew that the cost of production of manufactured goods in Russia is very high indeed in spite of the very low standard of living of the workers. Now, Sir, with these economic facts before us in spite of the reports and evidence of personally conducted tours it is evident that the economic condition of Russia must be in a deplorable state.

Honourable Members profess to scoff at the Government for their fear of Red propaganda ; and say that they are in a panic over the Red peril. Now, Sir, we Industrialists who are in close touch with labour and are up against the realities of the situation, not only share the Government's fears, but think that the Government are not firm and prompt enough, and I am glad to say that I have the support of my friend Sir Purshotamdas Thakurdas on this matter.

Now, Sir, regarding my friend Sir Purshotamdas Thakurdas's speech, he is a friend of mine, and I have agreed with him on many things and fought severe battles on his side, and I am sorry to have to criticise him. I have also heard many of his well reasoned and eloquent speeches in this House, but I cannot congratulate him on the effort he made on Wednesday last. What, Sir, is the substance of his speech ? He admits that there is Red propaganda, he admits that it is serious, and he even goes so far as to say that the Government is weak-kneed over the matter. Then he goes on to say : " Why don't you use Regulation III ", and the Honourable the Leader of the Opposition was equally insistent that Regulation III should be used ; in fact many Honourable Members opposite have said the same thing. Now, Sir, Regulation III is a Regulation which none of us like, Europeans or Indians. (*An Honourable Member* : " Then repeal it ".) (*Another Honourable Member* : " Why don't you repeal it ?") Now, Sir, I have heard most fluent speeches made by my friend Sir Purshotamdas Thakurdas, by the Honourable the Leader of the Opposition and by others as well against Regulation III. Surely it is illogical that they should ask Government to extend the use of that Regulation.....

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : Do you mean they should add to it ?

Mr. T. Gavin-Jones : You are asking them to extend the use of it (*An Honourable Member* : " No ".)

Then, Sir, he goes on to drive a bargain with Government and to say " If you do away with Regulation III, I am prepared to support the Bill." Now, Sir, if this means anything at all, it means that he approves of the principle of this Bill. Otherwise if Regulation III were removed he could not possibly support the Bill, but he says he will support the Bill if Regulation III is removed. That is an illogical position which I do not see how he can maintain.

My Honourable friend, Mr. Jayakar, made his usual eloquent speech which I am always delighted to hear, but he really made, so far as I could gather, only two important points. One is that the evidence Government have given that there is Red propaganda in India is not sufficient, and the other is that he does not trust the Government. Now, Sir, very many Honourable Members have repeated that complaint that they do not trust the Government. Sir Hari Singh Gour says that the powers are too wide and wants to amend this Bill in Select Committee so as to restrict the powers of Government. That I can understand, but when the Honourable Member says, " I do not trust Government to do anything at all ", then I submit that his position is quite illogical, for this reason. Every Government has to have an executive, you cannot carry on government without it, and you must trust the executive to some extent. You can hem them in with rules and regulations, but you have got to trust them. Now, Sir, the position that the Honourable Member has taken up is this. " I distrust Government entirely." This argument can be brought forward against any legislation that the Government may bring forward and makes government by the Legislature impossible. (*Mr. D. V. Belvi* : " Any repressive legislation.") What it really amounts to is non-co-operation. If Honourable Members are so distrustful of Government, then it is their duty to remain outside this House and allow those members to legislate who can co-operate and trust Government to carry on. As regards the evidence of Red propaganda that the Honourable Member has asked for, I will try to deal with that later on. My Honourable friend asks for the Bill to be circulated. That is a delaying motion and is an attempt to kill the Bill. I sincerely trust that the House will not follow his advice. It is a policy of wait and see. Sir, that reminds me of a little incident that occurred on the floor of this House in Delhi last year when a brick fell from the roof on to the floor in front of the Commander-in-Chief. The whole House was very excited at the time and said that something must be done immediately to prevent a recurrence of such an accident. I did not then hear any Honourable Member say, " Let us wait and see if another brick will fall." (Laughter.) (*Mr. M. R. Jayakar* : " We saw the brick fall "). Now, Sir, as regards the challenge to produce evidence of Red propaganda and of the necessity of taking strong measures, the Government are in a difficult position. I am not in the confidence of Government, I am merely a back-bencher. But all Governments have to protect their executive and they have certain information about conspiracies, revolutions and troubles which they cannot divulge. Their position is a very difficult one and we have to accept what evidence they can give. But I should have thought that Honourable Members would have been quite satisfied with the evidence that is given in the Press. As regards the railway strikes, whatever my Honourable friend, Mr. Joshi may say that the basis of the strikes are economic, he cannot deny the fact that these strikes are aggravated, prolonged and embittered by Red revolutionary propaganda. I would like to point out that there is one new thing that has come into these strikes in India which was not there before, and that is the policy of sabotage. That it has occurred on the Railways I think is most regrettable, and we all know it is due to Red propaganda. Then, Sir, I have here a telegram, dated the 8th September,

[Mr. T. Gavin-Jones.]

1928, in the Indian News Agency telegrams from Kharagpur, which shows that Red propaganda is active even when the men have returned to work :

"Kharagpur, 8th. The situation is quiet, although normal working not yet been resumed. Mahomedan employees of Bengal Nagpur Railway workshop been arrested on charge of being in possession of live bombs."

So much for the Railways. At Jamshedpur, we all know that the workers there are exceedingly well treated. We know that that industry could not possibly pay their men so well if it had not such a large measure of protection. They are well housed, they are well fed. I have recently heard—I cannot vouch for the truth of it, but I have heard from a reliable source—that 7,000 men have recently returned to work and their real object is to collect sufficient money from their wages to help the other men who remain out on strike and to disorganise the industry. Now, Sir, the steel industry is a very highly organised industry, and it is quite easy for one department to upset the whole organisation. I hear from a creditable source that the Tin-plate Works are likely to be closed down for want of steel plates. That is because men have gone Bolshy and are bent on giving as much trouble as they possibly can. Then I hear from Calcutta that on the banks of the Hooghly there are three mills, one of them a cotton mill and the other two jute mills, all fairly close together, which have had to be closed down due to the activities of Mr. Spratt. Then, Sir, I will bring Honourable Members nearer home, to Cawnpore. In Cawnpore we have an organisation called the "Mazdur Sabha". It purports to be a trades union organisation and it is registered as such. Its membership is not very large. At one time that organisation received some support from the employers. I come from Cawnpore, I employ labour myself and I know what I am talking about. We endeavour to allow this organisation to grow as a trades union. (*Mr. B. Das* : "How kind of you.") We did not oppose this organisation in any way at all (*Mr. K. Ahmed* : "Why do you not pay higher wages to them ?") We are only too glad to have sound trades union organisations develop so that we may have some authoritative body to deal with when our men go out on strike. But this organisation has gone Red. It is avowedly a Bolshevik organisation with all the Bolshevist ideals.

Mr. K. Ahmed : Why don't you pay them higher wages and take the bull by the horns ?

Mr. T. Gavin-Jones : I want Government to take the bull by the horns. It holds meetings in the open air under the Red flag and that flag has the Moscow badge (hammer and sickle) on it. Its officers wear brassards with the Moscow badge on their arm and they preach and talk the doctrines and tenets of the Bolshevists. They have succeeded in bringing out the Elgin Mills on strike, and when they did strike, it was very difficult for the management to find out why they had really struck. All sorts of excuses were brought out, but there was no real definite statement of a valid reason for going out on strike, and that organisation gave the greatest trouble possible, they prevented the men from returning and very nearly succeeded in causing violence. The Elgin Mills men have gone back after much difficulty, and I am told on good authority that they have not yet settled down to work properly. We

heard some months ago that certain agitators had come to Cawnpore and were endeavouring to create disturbance among the mills by bringing the workmen out one mill after another and thereby upsetting the employers. Only the other day, last month, they attempted to bring out the Woollen Mills' workmen, but their membership in that mill is very small, they were not able to have sufficient influence, and very fortunately the men refused to listen to the blandishments of this organisation. But they did their worst spreading leaflets broadcast among these ignorant men. I will read an extract to show the sort of stuff they spread broadcast to the employees. After appealing to the men to join the "Mazdur Sabha", they say :

"The foundation of the labour agitation has taken deep root, and even the Almighty can do no harm to it now. We know that in the world the capitalists are still predominating, but they should bear in mind that better days for the coolies are not very far off now. The Sun of the liberty of the labourers has already dawned upon the Russian territory and its rays are spreading over countries of the world. The Sun can be eclipsed only for a short time, but cannot be effaced for ever."

It is stuff of this kind which is being circulated.....

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Perhaps the Honourable Member will be good enough to state how many of the office-bearers of this "Mazdur Sabha" are Britishers or foreigners and how many are Indians ? That is the point. The rest is all very interesting, but is hardly to the point.

Mr. T. Gavin-Jones : I cannot tell what British organisation there is. We have no British organisers in Cawnpore.

Sir Purshotamdas Thakurdas : Or non-Indian workers in the "Mazdur Sabha" ?

Mr. T. Gavin-Jones : But it is a very clever organisation, and these European organisations send to India trained men, and they carry on their propaganda in a very insidious manner, and we know in Cawnpore, where we are in touch with labour, perfectly well, that by some means or another, from whatever source it may come, our trade union there has been turned into a Red organisation.

Sir Purshotamdas Thakurdas : All Indians. Don't be beating about the bush.

Mr. T. Gavin-Jones : Then they go on to say :

"Even the Government has recognised the existence of the Mazdur Sabha."

Mr. N. M. Joshi : Do you object to that :?

Mr. T. Gavin-Jones : It is humorous if it were not so serious that an organisation which has turned Red revolutionary should claim that an organisation which has the recognition of Government, and I think that when any organisation becomes openly a Red revolutionary, it is the business of the Government to take some steps in the matter.

Sir Purshotamdas Thakurdas : Take steps against Indians ?

Mr. T. Gavin-Jones : We do not want Europeans to come into this country who are trained in Russia to make our difficulties ten times worse.

Sir Purshotamdas Thakurdas : Who wants them ? Nobody wants them.

Mr. T. Gavin-Jones : We have got to turn them out.

Sir Purshotamdas Thakurdas : There already are powers. Why do not the Government exercise them ?

Mr. T. Gavin-Jones : We have been told a lot about the innocence of Russia, but I prefer to believe the evidence which my friend Sir Victor Sassoon has given us. He is a business man and he goes to China to see the Government of China on business terms, and he has to be told exactly what the situation is, and I prefer that evidence to the evidence of any tour which is made in Russia. Sir, surely a man is a fool if he sees a flame being put to his house to destroy it and does not put it out immediately. There is an old English proverb, " There is no use shutting the stable door after the horse is gone ". I appeal to all Honourable Members to take no risks but to support this Bill.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, my Honourable friend Mr. Gavin-Jones has been seeing red, and if he had directed his attention towards his left, perhaps he would have said that the Government of India have gone red judging from the array of red chaprasis who support the Government Benches. Sir, my Honourable friend's delusion is really amusing. It is very difficult to take it seriously. I do not know how my Honourable friend's troubles will come to an end as soon as this Bill is passed. There may be a few foreign emissaries of Russia—whether British or not, I do not know—who may come within the purview of this legislation. But how many are they ? Are they really responsible for the unrest that prevails throughout the length and breadth of the country ?

Colonel J. D. Crawford (Bengal : European) : I believe the Honourable Member comes from Bengal. He is aware of the activities of Mr. Spratt in Bengal ?

Mr. K. C. Neogy : I do not know.

Colonel J. D. Crawford : He ought to know.

Mr. K. C. Neogy : I generally proceed on recognised authorities, and I hold in my hand a publication, which will be readily recognised by my Honourable friend Mr. Coatman as his handiwork, and it is known as " India in 1926-27 ". What do we find here ?

Mr. H. G. Cocke (Bombay : European) : What about 1928-29 ?

Mr. K. C. Neogy : I have yet to know what specific evidence Government have got subsequent to the publication of this book which can justify this measure. Sir, if Honourable Members will turn to pages 288 and 290 of this book, they will find that Mr. Coatman deals with the whole subject very lightly. In the first place, he begins by saying that during this year, Communism has been both more active and more vocal than in the preceding year and then he goes into details. He points out that Communism has failed, or almost failed so far as India is concerned. I want some definite facts from my gallant friend Colonel Crawford subsequent to this period on which we can support this Bill. Sir, Mr. Coatman says :

" Considerable quantities of printed propaganda have been poured into India, its general nature being such as can well be imagined."

I suppose this Bill is not going to put a stop to the current of printed literature coming into this country. Then, Sir, he proceeds to deal with indigenous Communism :

" Indigenous Communism, as represented by the so-called Communist Party of India, seems to have made little appreciable headway."

Next, Sir, he refers to Mr. Allison's movements and says :

" So far as is known, Allison's visit had little, if any, influence on the outbreak or duration of the strike, but the results of his sojourn in Calcutta seem to have been very similar to what was observable in Bombay. In the latter place the leaders of the Workers' and Peasants' Party have made efforts to secure a position of influence in the Bombay Provincial Congress Committee, although so far they have met with but little success."

An Honourable Member : " So far ".

Mr. K. C. Neogy :

" At the end of January Allison was arrested and prosecuted for entering India on a forged passport under the name of Donald Campbell, receiving a sentence of eighteen months' rigorous imprisonment. A second visitor to Bombay appeared in the person of Philip Spratt, whose public speeches and writings have attracted a certain amount of attention, and who appears to have devoted himself to the same objects as engaged the attention of Allison."

But then he says :

" The frankly revolutionary organisation, the parent of which is M. N. Roy, has continued its activities on familiar lines but without striking results."

Now what striking results have since followed ?

Sir Hari Singh Gour (Central Provinces Hindi Division : Non-Muhammadan) : Universal strikes.

Mr. K. C. Neogy : I am coming to that.

Colonel J. D. Crawford : Loss of Indian lives.

An Honourable Member : Is it due to them ?

Mr. K. C. Neogy : You might as well refer to the Kashmir floods. I think that these extracts have gone home. Then, again, Mr. Coatman concludes with these words :

" If one is to be guided by M. N. Roy's latest pamphlet, 'The Future of Indian Politics', he has given up in despair the idea of converting to Communism the upper strata of politically-minded Indians as represented by the Indian National Congress, whom he has roundly denounced as completely 'bourgeois' in their outlook and as interested equally with the British bureaucracy in exploiting the toiling and suffering Indian proletariat. For Indian Labour movements Roy has professed an equally lively contempt, inasmuch as they have been manned so far by self-seeking representatives of the propertied classes."

I hope that this description does not apply to Mr. Joshi.

Mr. N. M. Joshi : No, Sir, I have no property.

Mr. K. C. Neogy : Now, Sir, in so far as Mr. Joshi admits that he is to a certain extent responsible for the strikes in Bombay, and in so far as this Bill is not going to deport Mr. Joshi out of India, how is this going to put an end to the textile strike to which my Honourable friend, Mr. Barucha, made such eloquent reference ? I have something more from a very authoritative source about the ultility of the foreign Communist. I never had any confidence in the Britisher as regards his administrative capacity, but I find that he is worthless even as a Communist. Sir, this is what I find stated by no less an authoritative organisation than the Congress of the Communist International in Moscow, and it only reached me last night. May we take it that this is the latest considered opinion on the part of that authoritative body in regard to confidence in the Britisher as a Communist ? It says :

" It was necessary to give up the idea of the European playing a direct part in any Indian revolution or of useful work by any Anglo-Indian Communist Party because Indians mistrusted the whites even if communists. The Communist International must therefore handle the new independent Indian Communist party through natives."

(Hear, hear.)

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Read on further.

Mr. K. C. Neogy : You may if you like, but this is enough for my purpose. (Laughter.) But, as I said, I did not know that the Britisher was so worthless even as a Communist. (Laughter.) And what has this Bill got to do with indigenous Communism ? Can my Honourable and gallant friend tell me that ? Now, Sir, as has been stated by several of my Honourable friends already, we must be prepared for something more lively to come hereafter. The European Communists are to be given a free passage home under this Bill, and when they are out of harm's way, the field will be ready for drastic action against the Indian Communists. I challenge the Honourable the Home Member to deny this. If, as is stated, the Indian Communists are themselves competent to carry on this propaganda and create this mischief, what are you going to do about them ? Some of my Honourable friends have stated, " Look at these strikes, the country-wide unrest ". But these have been going on for some time now. What action do Government propose to take now so far as this indigenous Communism is concerned ?

Sir Hari Singh Gour : What action do you advise the Government to take ?

Mr. K. C. Neogy : Well, my Honourable friend has taken his seat on that side of the House, and it is for him to give any advice he chooses to Government, not for me, Sir.

An Honourable Member : Why not ?

Mr. K. C. Neogy : I have not got the responsibility of carrying on the government of this country ; it is for Government to bring forward proposals, and it is for this House to examine them as to whether they are going to sanction them or not. I suppose that is the recognized practice of Governments and Legislatures all over the world.

Now, Sir, I at one time hesitated as to whether I should at all take any part in this debate, because we Bengalis have already become a little too much identified with this whole affair, beginning from Mr. M. N. Roy down to my Honourable friend, Sir Bhupendra Nath Mitra. (Laughter.) But, Sir, certain observations made by the temporary Finance Member yesterday has prompted me to say a few words. I was interested to hear him express in very emphatic terms the high respect in which he holds Subhas Chandra Bose. I thought within myself that this expression of respect was a little too belated because I thought my Honourable friend has been a member of that Government which kept him confined without trial for so many years.

An Honourable Member : And still he did not resign.

Mr. K. C. Neogy : Now, that statement of the Honourable Member's supplies me with a point so far as this Bill is concerned. My Honourable friend has the reputation of being an honest and sincere man, at least that is the reputation which he enjoyed before he came into the Government Cabinet. I do not know whether he has lost those virtues by his association with those wily gentlemen who are his colleagues in the Executive Council, but I will give him the benefit of the doubt. (Laughter.) Now Sir, what does his confession mean ? This confession of the profound respect in which the Honourable Member holds Subhas Chandra Bose means, if it means anything, that he is repentant at what the Government did with reference to Subhas Chandra Bose.....

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Not necessarily.

Mr. K. C. Neogy : I do not know what else he means. Sir, this is an instance which to my mind shows that the Government sometimes act in a hurry and repent at leisure, and that is one of the reasons why I am not prepared to arm this Government with further powers of repression. My Honourable friend referred to railway disasters, and I interrupted him because I thought he was referring to certain instances which were the subject-matter of a judicial inquiry at the present moment. I do not know, but there may be instances, to which my Honourable friend was referring, which are not at the present moment *sub judice*. I will assume that in regard to certain cases of railway disaster it has been definitely proved that the Communists have had a hand in them. Now, Sir, my Honourable friend comes from the same province as I do, and I would remind him of another railway case, the attempted wrecking of a railway train which came to light some years ago in my province, called the Naraingarh train-wrecking case. In that instance several men actually confessed that they had taken part in it, and they were convicted and sentenced to imprisonment. Some time later it came to light that quite a different set of people were responsible for it. The men convicted were then let out. The confessions had been admittedly engineered by the police in order to secure a conviction in that case.

(There was an inaudible interruption by Dr. A. Suhrawardy.)

Well, my Honourable friend Dr. Suhrawardy perhaps knows as much as I do in regard to these matters, and I will ask the Honourable Sir Bhupendra Nath Mitra to get his information in these matters from his new-found supporter from Midnapur. Now, Sir, supposing that the Communists are responsible for these acts, I should say, acts of murder. I have absolutely no sympathy with anybody who has anything to do with such acts of violence. But, Sir, does my Honourable friend realize what his argument amounts to ? If the foreign Communists are really responsible for these acts of violence leading to loss of human life, is he going to send them out of the country, providing them with free passages, and not put them on trial, leaving the Indians to face the music ? Is that the position which the Honourable Member wants to take up ? Sir, I am not a believer in Imperial preference, and I do not know whether my Honourable friend wants to pursue a policy of Imperial preference for the benefit of criminals. If they have anything to do with these acts of violence bring them to the open courts and let them take their trial along with the poor Indians, the poor victims of their propaganda, and take the consequences of their actions. The Honourable Member knows perfectly well that his position in the Cabinet would not be worth a day's purchase if he were to insist on such a procedure. My Honourable friend light-heartedly referred to the financial difficulties in the way of applying Regulation III of 1818 to the European. I challenge him to take up the question of applying this Regulation against Britishers in the Cabinet, and he will find his position very precarious. Sir, my Honourable friend happens to be the first Indian to officiate as the Finance Member, and I expect him to take a more serious view of this matter. Human liberty is not to be weighed in the balance against rupees, annas and pies. What did you do

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in regard to the application of Regulation III to your own countrymen ? Did you contemplate this aspect of the case, the financial aspect, as you light-heartedly put it ? May I remind my Honourable friend of another instance in which his presence in the Cabinet has not prevented the financial interests of India being overlooked. The Honourable the Home Member was referring to the after-war conditions and the necessity for after-war reconstruction. This reminds me of one of the after-war conditions in England—the large proportion of unmarried women. And what did this Government do ? The Government, in the shape of the Lee concessions, has been paying a subsidy on the marriage of British officers, put it in whatever language you like : free passages for the wives of officers, remittance concessions and all that sort of thing. The children of British officers are also entitled to certain financial benefits. The Government of India are practically subsidising the marriage institution of England to a certain extent at the cost of the Indian tax-payer. Where were my Honourable friend's financial scruples at that time ?

I will come to the Honourable the Foreign Secretary for a little while. When my Honourable friend Sir Denys Bray gets up to speak in this House, I promise myself a rich repast, a feast of words, but nothing but words. My Honourable friend would not be the Foreign Secretary, if he were to deviate into anything more substantial than mere words. Sir, I was not therefore surprised when we had the treat of that vacuous verbiage to which we were entertained the other day. My Honourable friend at one time reminded me of another equally famous knight in fiction, who used to tilt against wind-mills. My Honourable friend assumed things which nobody had said, answered arguments which nobody had advanced ; he thought that my Honourable friend Mr. Ranga Iyer had made an insinuation that the Britishers had made an attempt to tamper with our religions, and the social order in this country, and he proceeded to answer that charge with great force.

Sir Denys Bray (Foreign Secretary) : I am sure, Sir, I never referred to my Honourable friend Mr. Ranga Iyer in that connection. The words that filled me with indignation fell, I thought, from the lips of my friend Mr. Lajpat Rai.

Mr. K. C. Neogy : That leaves my argument absolutely unaffected. I did not understand my Honourable friend Lala Lajpat Rai making any such statement. Supposing he had done so, would he have been altogether wrong ? My Honourable friend Mr. Jayakar has already touched on this question, but I am going to take it up once more, this time supported by authority. (*An Honourable Member* : "What is the authority ?") I will mention the authorities. Sir, first of all I shall read out what a Judge of the Agra High Court, Mr. William Edwards wrote on the question of the Christianisation of India :

"Our best safeguard is in the evangelisation of the country ; for, although Christianity does not denationalise, its spread would be gradual and Christian settlements scattered about the country would be as towers of strength for many years to come for they must be loyal as long as the mass of the people remain either idolators or Muhammadans."

Now, Sir, another authority describes the process of conversion, forced conversion, which was then taking place in India. This is from a pamphlet

written by Mr. Malcolm Lewin, who served in India as the second Judge of the Supreme Court in Madras and Provincial Member of Government :

"The missionary colonels and padre lieutenants.....

(*An Honourable Member* : "Date".)

Dates do not at all matter. The whole question is whether the British Government can claim religious neutrality throughout its career in India, as has been stated by the Honourable the Foreign Secretary.

"The missionary colonels and padre lieutenants as these curious militaries were called, were not inactive. Emboldened by the toleration of the sepoys, they grew more violent than ever. They were louder in their denunciations of Hindooism and Islamism."

Then later on it says :

"By and by the proselytizing Colonels, tempted the sepoys to Christianity with bribes, and offered promotions and other rewards to converts. They unblushingly used their influence as officers in this unholy affair. The sepoys protested, and their European officers promised to make every sepoy that forsook his religion a Havildar, every Havildar a Subedar Major,"

and so on.

Let me now turn to an educational authority in the Punjab, Mr. Arnold, Director of Public Instruction :

"We cannot and ought not to look on life with Asiatic eyes. Our tendency is, and must be, to Europeanize. Toleration, sympathy, tact may help to make this process less obnoxious, become less palpable to the natives. But the proces goes on and will go on. And with the people which has to yield it, it never can and never will be popular."

But, Sir, I am coming to a greater authority, and that is no less a person than Macaulay, who is hailed as the author of the policy of education which was introduced in this country. It is not a published minute. These officials never commit themselves like that in public documents. I do not know what things my Honourable friend, the Foreign Secretary, writes to his people at home, but this is what Macaulay wrote to his father in 1836. (*Cries of* "Oh, oh" from the European Group.) We are not quarrelling about dates. The policy still continues :

"The effect of this education on Hindus is prodigious. No Hindu who has received an English education ever remains sincerely attached to his religion. Some continue to profess it as a matter of policy, but many profess themselves pure Deists and some embrace Christianity. It is my firm belief that if *our plans* of education are followed up, there will not be a single idolator among the respectable classes in Bengal thirty years hence."

Sir, Hinduism has survived in Bengal, in spite of these benevolent intentions.

Some of these extracts have a striking resemblance to the extracts which were read out by my Honourable friend, the Home Member, as being the aims and object of the Communists. Therefore, Sir, if we have survived Government's benevolent intentions in the past, we are going to survive the onslaughts of Communism also in the future.

Sir, I think I have taken too much time of the House. (*Honourable Members of the European Group* : "No, no ; go on, go on.") But there is just one point with reference to what was said by Sir Victor Sassoon, on which I should like to touch. My Honourable friend seems to think that there is an analogy in the English Act with reference to aliens. Reference was made to the British Act under which aliens can be deported. I have

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tried to study the history of this legislation and what do I find ? For the first time this Alien Restriction Act was passed in 1914 when England was in the throes of war, and this legislation was resorted to as the result of an examination of the subject by the Committee of Imperial Defence. The Minister who was in charge of the Bill in the House of Lords laid certain definite facts before the House. One of them was that there had been an investigation into espionage, and twenty spies had as a matter of fact been arrested within twenty-four hours. That was the justification for that measure at that time. Has any such definite information been placed before us by the Home Member ? That Act was passed with the concurrence of all the Parties. It was due to expire in 1919, when a short Amending Bill was brought forward seeking to extend its life by one year, and in justification of this temporary extension the Minister in charge said :

" Being in a state of war it is a matter of necessity for His Majesty's Government to maintain temporarily the powers which were essential during the war."

And subsequent to that period this legislation has been kept up with the help of annual enactments giving it a lease of life only for a year. It was only in May 1927, that an attempt was made on behalf of Government in the House of Lords to make permanent the provisions of this Act. As far as I can trace its history, this amending Bill has not yet been placed on the Statute-book. The Bill has no doubt been passed in the House of Lords. But, Sir, we find arrayed against this measure in the House of Lords men like Lord Reading, Lord Haldane ; and why ? Not that the interests of any British subject were affected by it, but still as a matter of principle, they could not see their way to become parties to any such measure although it affected only aliens. I suppose, Sir, my Honourable friends who sit opposite have some amount of regard for Lord Reading, and I hope that the regard which they had for that noble gentleman while he was here, has not diminished to any extent by the mere fact that he is no longer here.

Mr. D. V. Belvi : Out of sight, out of mind.

Mr. K. C. Neogy : This is what Lord Haldane said in opposing this amending measure :

" What I do object is to the introduction into our constitution of a permanent principle which is foreign to it and which has never till now been tolerated except in cases of war or in very dubious circumstances while carrying on war policy temporarily."

And all this solicitude was expressed, not that the interests of any British subject were involved, but that even undesirable aliens might not be treated in this fashion. Sir, what was the assurance that Lord Desborough, who was in charge of the Bill gave to the House. This is what he said :

" The check exercisable by Parliament lies in the fact that the Government and the Home Secretary in particular is answerable to Parliament for all the steps which he may take in pursuance of the powers conferred by the Bill. The Bill contains no new provisions, these powers are in existence now and the Bill proposes to continue them and Parliament can criticise, either as a general policy or particular acts."

Is that the position here ? Is the Honourable the Home Member responsible to this House ?

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Yes.

Mr. K. C. Neogy : My Honourable friend says, " Yes ", but we know to our cost, especially we who come from Bengal know it too well, how in spite of certain definite assurances given by no less a person than Lord Reading, Regulation III was abused.

One word more and I have done. Sir, I find that even the draftsman of this Bill, an honest and an honourable man as I know him to be, has unconsciously given us the benefit of his frank opinion as to what this Bill is really going to be. I would draw the attention of the Honourable Members to the " Short title and extent " which is in clause 1—" This Act may be called the Public Safety (Removal from India) Act ". I agree, this Bill is designed to bring about the removal of public safety from India. It is for this reason that I oppose this Bill.

Mr. D. V. Belvi : Sir, much has been said about this Bill in this House. I agree with my Honourable friend Captain Hira Singh in his view that this is a very short Bill, but to me it appears that the importance of the Bill varies inversely to its size. It is not the length or the shortness of a Bill that should determine the principle of it. We should see what the essence of the Bill is and whether the Bill is warranted under the circumstances spoken to by the Honourable the Home Member. The Honourable the Home Member laid down the other day three important principles and he opined in the case of the Bill which had been introduced in this House by my Honourable friend Sir Hari Singh Gour to make certain amendments in the Indian Divorce Act that the Bill should satisfy three canons. The first was whether it was proved that the present law was insufficient for the purpose, the second was whether there was any demand for new legislation and the third was whether there was sufficient evidence to warrant the introduction of fresh legislation. All these three principles have been very carefully thrashed out in this House by the various speakers in the course of the debate on the present Bill and I do not think I should traverse the same ground over again. It has been abundantly proved by various speakers in this House that none of these tests can possibly be applied to this Bill. It has been shown that the present law is quite good, it is quite enough and it has not been pointed out to us by the Honourable the Home Member that there was ever any offender of the nature of a Communist who was put upon his trial, but the trial failed owing to certain technical difficulties. All the cases to which reference was made by the Honourable the Home Member have proved successful. There was the Cawnpore case ; there was the Allahabad case, and there were other cases also. In none of them did the law fail to mete out condign punishment to the offenders. So it is evident that there is no need whatever for fresh legislation. Now we know that under the Criminal Procedure Code, section 108, anyone may be called upon by a competent magistrate to furnish security for good behaviour either for keeping the peace in the country or for not doing a wrongful act. Then there is section 144 of the Criminal Procedure Code under which a Magistrate has simply to say " Whereas it has been made to appear to me ", not " Whereas it appears to me " but " Whereas it has been made to appear to me that your presence in my jurisdiction is likely to give rise to commotion or you are likely to do something which may disturb the public peace ", therefore I issue an injunction to you not to do a particular thing. Then we have sections 124A of the Indian Penal Code and 153A of the Indian Penal Code. I submit that all these laws are enough and more than enough for these purposes and that there is no need

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at all to enact any new law. It was once said by the late Motilal Babu of the *Amrita Bazaar Patrika* that section 144 of the Criminal Procedure Code and section 124A of the Indian Penal Code were the kings of all laws and he said, "Give me these two laws and I will see that there is absolutely nothing wrong done in the whole country." It is said that Archimedes once said, "Give me a proper fulcrum and I shall move the whole world." So when there are these laws in force in the country, where is the need of proceeding to legislate a Bill of this kind? There is no need whatever for it. As for the demand of the country, I should like to know who has demanded that such a piece of legislation should be taken up. It is to find out whether the people want legislation of this kind that a motion has been put forward in this House that the Bill should be circulated for eliciting public opinion. So far as we know, so far as the House knows, there is no body of Indian opinion in this country demanding such fresh legislation. As for the evidence, the Honourable the Home Member has already told us that he has got very good evidence in his possession but that it must all remain in his pocket. So if the evidence is to remain hidden in his archives, if the evidence is to remain in his pocket, he has no right to ask us to give our consent to this legislation. If he cannot trust us who are the elected representatives of the people with the evidence in his possession, why should he come to us for our votes for the legislation he wants to put on the Statute-book? This disposes of the three points laid down by the Honourable the Home Member the other day.

Now I come to another part of this debate. I must take note of what was said in this House by three Honourable Members, my Honourable friends, Sir Victor Sassoon, Mr. Gavin Jones and Dr. Suhrawardy. It was cast in our teeth that we were taking more interest in the preservation of the constitutional rights of the British people than they themselves did. The allegation was that we Indians had no business to poke our nose into the constitutional rights of Britishers, as there were Britishers here able enough to take care of themselves. This reminds me of an historical instance or two which I have learnt from British history. The same argument was put forward on the eve of the American War. It was contended by a large section of the English public that they had a right to tax the Americans for purposes of revenue, and when it was pointed out to them that by pressing such a legislation in the House of Commons they were invading the rights of the British people in America, who were not represented in the House, they said, "No, it does not matter; we are prepared to forge the rights guaranteed to us by the constitution, but we are determined to impose upon America our own laws". In this connection I would invite the attention of the House to what was said on that occasion by no less an authority than Edmund Burke in the House of Commons. I would remind my Honourable friends who are Britishers here to take particular note of what one of their own illustrious countrymen said:

> "In order to prove that the Americans have no right to their liberties, we are every day endeavouring to subvert the maxims which preserve the whole spirit of our own. To prove that the Americans ought not to be free, we are obliged to depreciate the value of freedom itself, and we never seem to gain a paltry advantage over them in debate without attacking some of those principles or deriding some of those feelings for which our ancestors had shed their blood."

One of the cardinal principles of the British constitutional law is that no man can be taxed when he is not represented. No taxation without representation. Another cardinal principle of British law is that no man can

be condemned unheard. Here the Britishers present in this House who represent the Britishers outside this House in India say "It does not matter if a Britisher is condemned unheard. A Britisher who comes into this country to interfere with our exploitation of India has no business to be here and we shall deport him without trial." Now, in this connection I may invite the attention of the House to another illustration from the history of England. Hampden was asked to pay the paltry sum of 20*s.* as ship money. 20*s.* was not a large amount and Hampden would not have been a poorer man had he paid the money; but he refused to pay it. Why? Because the tax had not been levied on the public by the British Parliament, but by the Royal will, and he objected on principle to pay this small amount. Referring to this important historical instance, Burke says in his immortal speech on American taxation.....

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): That is out of date.

Mr. D. V. Belvi: It is not out of date; it can never be out of date. You are out of date; you are not in touch with English history. He says:

> "Would 20*s.* have ruined Mr. Hampden's fortune? No. But the payment of that 20*s.* on the principle on which it was demanded would have made him a slave."

Britishers should remember these instances. It now suits their purpose to say that they are prepared to deport without a trial even Britishers from India, if Britishers choose to come here to interfere with their exploitation. It is most dangerous. Now, we are told by my Honourable friend, Mr. Suhrawardy, that there is an adage in Bengali which says that a woman who loves a child more than the child's mother is a witch. So, we are all witches on this side of the House, because we care more for the constitutional rights of the British people than the representatives of the British people in this House. But there is another aspect from which this question may be viewed. We are the subjects of the British Crown. We were told the other day by my Honourable friend, Sir James Simpson, that the Britishers in this country must be viewed as adopted sons of India; if they are the adopted sons of India, then India is surely a foster-daughter of England; if they are entitled to share in the fortunes of India, we Indians are entitled to a share in the constitutional rights of the British people under charters from time to time. We hope that we shall be able to achieve all the political rights which have been guaranteed to the British people under the British constitution. That inheritance is a common inheritance to Britishers and to British Indians; and if the Britishers in this country claim a share in India as a part of their patrimony, we claim a share in the political inheritance of the British people. We have as good a right to defend the constitutional rights of the British people as the Britishers in this House.

That disposes of the argument that was advanced by my three Honourable friends to whom I have already referred. I shall now proceed to another aspect of the case which has not hitherto been touched upon. It was touched upon by one speaker, my Honourable friend, Mr. Jayakar, though rather lightly. Let us examine the present political condition of India. Is India in a political condition in which we may safely arm the Executive Government with such powers as are now demanded? What is the position? At present we have got a sort of representative institutions in this country, but we have not yet got a Government or a Cabinet

[Mr. D. V. Belvi.]

which is responsible to the Legislature. There are representative insti tutions, but these representative institutions are coupled with an irres ponsible executive. Is it safe under these circumstances to arm even th Governor General of India with the powers with which it is suggeste he should be invested ? What is the position of His Excellency th Governor General at present ? Is he a constitutional Governor General Can we say that what he does is done with the consent of the public Now, in this connection I would invite the attention of the House to a exactly parallel case from Canada. The House knows perhaps that Canad was much in the same position in which India now stands. Before th grant of full Dominion status to it, the position was the same there as i is now in British India. There were representative institutions, but th Cabinet or the Government there was not responsible to the people. Now I should like to read to the House a short extract from Lord Durham' famous report. This is what he says :

" A body of holders of office thus constituted "—

that is, constituted in an irresponsible manner :

" without reference to the people or their representatives must, in fact, from th very nature of colonial Government, acquire the entire direction of affairs of the prov ince. A Governor, arriving in a Colony in which he almost invariably has had n previous acquaintance with the state of parties, or the character of individuals, i compelled to throw himself almost entirely upon those whom he finds placed in th position of his official advisers. His first acts must necessarily be performed, an his first appointments made, at their suggestion. And as these first acts and appoint ments give a character to his policy, he is generally brought thereby into immediat collision with the other parties in the country, and thrown into more complete de pendence upon the official party and its friends. Thus the Governor of Lower Canad has almost always been brought into collision with the Assembly, which his adviser regard as their enemy."

It can hardly be doubted that all this applies to India. Then he goe on to say :

" In the course of the contest in which he was thus involved, the provocation which he received from the Assembly and the light in which their conduct was re presented by those who alone had any access to him, naturally imbued him wit many of their antipathies; his position compelled him to seek the support of som party against the Assembly ; and his feelings and his necessities thus combined t induce him to bestow his patronage and to shape his measures to promote the interest of the party on which he was obliged to lean. Thus every successive year consolidate and enlarged the strength of the ruling party. Fortified by family connection, an the common interest felt by all who held, and all who desired, subordinate office that party was thus erected into a solid and permanent power, controlled by no respon sibility, subject to no serious change, exercising over the whole Government of th Province an authority utterly independent of the people and its representatives, an possessing the only means of influencing either the Government at home or the colonia representative of the Crown."

The House will see whether every word of this passage does not literall apply to the present political condition of British India. Who are th associates of His Excellency the Governor General of India under th present conditions ? These six gentlemen, the Members of the Cabinet These are the gentlemen who are the advisers of His Excellency, and al his information is derived from these gentlemen, and His Excellency unless he is a masterful man like Lord Curzon, will have to yield to th pressing solicitations of his Cabinet. The Cabinet is irremoveable ; it i not responsible to this House. Is it safe for us under the present circum stances to say that the drastic powers with which His Excellency th

Governor General is now sought to be invested will be always exercised by him properly ? The Governor General will not be in an independent position : he will have to yield to the Members of his Cabinet who may say, ' We shall resign if Your Excellency does not accede to our request ; if you do not accede to our request, then we shall throw up our appoint- ments ". Naturally therefore he will have to yield to the requests of the Cabinet.

Now, view this case from another standpoint. You know that even little insects such as butterflies or little reptiles that reside on certain trees or flowers take their colour from the trees or the flowers on which they reside. That is the position of the Governor General of India at present. He must take his cue from the Members of his Executive Council. So, I submit, it is not safe to invest the Governor General of India with these powers at present.

Then, Sir, I shall turn to another point. Much was said by my Honourable friend Sir Hari Singh Gour and the Honourable the Foreign Secretary against the Bolsheviks.

Such a lurid picture was presented to the House by the Honourable the Home Member and by the Honourable the Foreign Secretary that I was really frightened out of my wits and I rubbed my eyes and said to myself : " Can all this be true of Soviet Russia ? If all this be true, surely the Russian people as they now exist must be a body of monsters, and if they were to invade India, or if they were allowed to come to the Indian shores, our position will surely be unsafe." On my way to Simla I thought that this question might crop up and I wanted to study what the real position in Russia was in these days. So I managed to purchase from a book-seller in Bombay a book on Russia, published in the present year 1928, and I shall now read to the House certain passages from that book. I may state that this book is written by an Englishman, Mr. W. J. Brown, an Englishman of position, a Secretary of a Trade Union in England, a gentleman who went to Russia purposely to study the conditions in Russia, and he has written his book as the outcome of his observations. I have no doubt that the observations of a gentleman like him will find acceptance with the House. Let us examine the present conditions of Russia from various points. Let us see how labourers are treated there ; let us see how women are treated in Russia ; let us see how religious institutions are treated in Russia ; let us see how prisons are worked in Russia and let us see what the condition of the Russian Army is.

Mr. President : Is the Honourable Member going to say all that ?

Mr. D. V. Belvi : I am not going to read the whole book, Sir. I am going to read short passages bearing on each one of these subjects, because, an attempt was made here to frighten my Muhammadan brethren out of their wits. They were told that Islam will not be safe. We were told that Hinduism will not be safe (*An Honourable Member* : " That is not so very easy ") and it is necessary.....

Mr. President : The Honourable Member can give the substance of those passages, of course.

Mr. D. V. Belvi : I am not going to read the whole book, I assure you, Sir. I believe that much has been said by the other side about Soviet

[Mr. D. V. Belvi.]

Russia and it is absolutely necessary to say something on this side of the House in reply. Now, I shall read a passage :

"The Bolsheviks, by newspaper, by poster, by study circles and so on, do their best to destroy religion. But while this is their policy they permit, and indeed enforce, the fullest liberty to the adherents of all faiths—Christian, Mohammedan, and Jew alike—to practise their faith. The churches are open. Anywhere in Russia you may go to church when you please and the priests can preach what they please, so long as they do not incite the people against the Government."

Then, Sir, I come to another passage :

"The Bolsheviks believe themselves equipped with the knowledge of the laws which govern the evolution of society into happiness. And they devote themselves to the task with all the enthusiasm, and all that strange mixture of humility and high pride, which characterised the early Church.

In this devotion self goes by the board. Half their tremendous fixity of purpose comes from this subordination of self in something bigger. They live under a series of self-denying ordinances which recall Cromwell and the early Christian communities. In the Young Communist Movement neither drinking nor smoking is allowed. No member of the Communist Party proper may receive a higher salary than 225 roubles (£22 10s.) a month. Lenin got this and no more. Stalin, Rykov—all the Commissars—are paid at this figure. So are the Trade Union officials."

That shows the kind of people they are. They are not such huge monsters as they have been painted here.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : They do not drink ?

Mr. D. V. Belvi : They do not drink, they do not smoke.

Mr. C. Duraiswamy Aiyangar : That is the difficulty.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : A very hard lot.

Mr. D. V. Belvi : It is rather singular that representatives of the British people in this country should come forward to say something to the prejudice of Russia in this connection. This author has instituted a comparison between the British people and the Russians in connection with religion, and I shall read a short passage about it. He says :

"What is the practical faith of the British people ? Under which banner do they serve ? Remember the test is not what men call themselves, not whether they are members of a church or not ; but what governing conception of life is expressed in their conduct.

Could we say that the mass of people in England were devoted to the service of God, regardless of self-interest, family interest, race interest ? It is only necessary to put the question to answer it. Those who genuinely do put the service of God before everything else are regarded as cranks and lunatics, and although not in danger of immediate crucifixion, stand a very good chance of finding themselves in prison."

Then the author proceeds to say :

"Primarily, it is the service of self. If we are poor, the aim is to become better off; if we are rich, to become more rich ; if we are workmen, to become petty bourgeois; if we are bourgeois, to rise into Society By and large we worship the Golden Calf. True, we throw incense on other altars—convention demands it. We pay lip service to various creeds, for this is to be respectable. We make a profession of praying to God on Sundays. But our society is organised on the principle that we prey on our neighbours all the week.

Occasionally we do an unselfish thing—sometimes a noble thing. In a war we can be moved even to die for the country of our birth. But we do not live for it. In the main, self is the dominant motive and self-sacrifice the exception. We are practical atheists, and the publicans and harlots go into the Kingdom of Heaven before us."

This is a comparison instituted by an Englishman between the sort of religion which prevails in the British Isles and the sort of religion that prevails in Russia, and it is enough for our purposes. It has been said that these Russians are a very bad set of people. Let us see what they do in regard to education. In this connection I shall show.....

Mr. President : Again quotations ?

Mr. D. V. Belvi : Yes, Sir. It is no use talking without quoting chapter and verse because Members on the opposite Benches will not accept anything which comes from this side of the House unless it is supported by authority.

"Before the Revolution education in Russia was at a discount. The nobility and the commercial classes were educated, but the workers, and especially the peasants, were educationally in a profoundly backward state."

Then this gentleman goes on to say :

"There is a big difference between the educational system of Russia and that of Western countries. In England, for example, educational work is mainly a matter for the schools. In Russia there are many other agencies, apart from the schools—elementary, secondary technical schools and universities—through which education is transmitted.

Every factory or institution has to set aside a sum equal to between 1 per cent., and 2 per cent. of the wages bill for social work, and much of this is devoted to education. Every factory has its Red Corner—i.e., a Reading Room with study circles—and its illiteracy classes. Every prison has classes and study circles galore. In every regiment and every ship there are classes in illiteracy and politics (which are compulsory) and voluntary classes of all kinds. Every Workers' Club has anything from one to 20 different kinds of classes And the Trade Unions spend a large part of their income on educational work. Finally, there are the Communist Party schools and classes everywhere."

So, Russia is not so bad educationally. And, Sir, do you know the amount of money that is spent by Russians annually on education ?

Mr. President : Have you got quotations for that too ?

Mr. D. V. Belvi : Yes, surely, Sir.

Mr. President : Order, order. There is some reasonable limit beyond which I cannot allow the Honourable Member to make quotations.

Mr. D. V. Belvi : Sir, if you are in a hurry to rise, you may do so.

Mr. President : I have already told the Honourable Member that there is some reasonable limit beyond which he cannot be allowed to go on quoting passages after passages.

Mr. D. V. Belvi : I appreciate what you say, Sir. I will only.....

Mr. President : Order, order. I will not allow the Honourable Member to quote any further passages.

Mr. D. V. Belvi : It seems to me, Sir, that the spirit of autocracy is abroad in this Assembly.

Mr. President : Order, order. Will the Honourable Member withdraw those words ?

Mr. D. V. Belvi : I submit, Sir, that this is not a remark made with reference to you.

Mr. President : Order, order. Will the Honourable Member withdraw those words ?

Mr. D. V. Belvi : I will, Sir.

Mr. President : Does he ?

Mr. D. V. Belvi : I will, but may I proceed or not proceed with my speech ; I have yet to say something.

Mr. President : The Honourable Member might go on.

Mr. D. V. Belvi : Russia, Sir, is now condemned because there was a revolution there recently and that revolution unfortunately resulted not only in regicide but in a wholesale disturbance of the public peace and destruction of property. All this is perfectly true, but I submit that India is not on the verge of a revolution, nor is she sitting on the top of a volcano. India is a country which has outlived a number of institutions for many years. Our history rolls back to several centuries before the birth of Jesus Christ. We have been in existence as a civilised country at any rate according to known history for more than five thousand years, and India has never known a revolution in the long course of thousands of years. Our institutions have outlived all attacks made by numbers of various foreigners and their institutions. Sir, India has got a peculiar vitality in herself, and she can not only swallow but digest and assimilate all kinds of opinion and yet remain firm in her indigenous institutions. Now what was the condition of Russia when the revolution occurred ? My opinion is that a revolution is not a thing which is manufactured to order ; there must be historical circumstances warranting a revolution, even in India. I guarantee that even if a thousand Russian Communists were to give lectures every day throughout the year, in different parts of India, they will not be able to bring about a revolution, among us, because the conditions which are necessary for the occurrence of a revolution do not fortunately obtain in India. Now I shall read one passage to show.....

Mr. President : I have already ruled that I will not allow the Honourable Member to quote any more passages.

Mr. D. V. Belvi : I shall give at least a reference to it because I consider that the quotation is very valuable. Members of this House may refer to a passage given on pages 191-192 of a very valuable book, called " The Conventional Lies of our Civilization " written by a German by name Max Nordau. It has been translated into English and this passage gives us a vivid description of the condition of the working people, the condition of the masses of Western Europe about the time this revolution occurred.

Then, Sir, there is one more point, and I shall say a few words and have done with it. Ours is a subordinate Legislature just as is our Government, and is it right—I am not speaking of abstract rights ; from the point of view of abstract principles we may have a right under the law to enact this legislation,—but is it morally right for us members of a subordinate Legislature, Members of a Legislature that has not been given full powers to legislate against people who enjoy now many more political rights than we do ? It has been said by my Honourable young friend, Mr. Munshi, who made his masterly maiden speech to-day that it is only the British Parliament which should legislate in a matter like this. I submit that the view taken by Mr. Munshi is perfectly correct. It is only the British Parliament that can legislate in a matter like this. The powers of the British Parliament are in no way fettered. A writer on the

APPENDIX*.

Mr. Narayan Prasad Singh (Durbhanga *cum* Saran : Non-Muhammadan) : Honourable President, so far as I understand, the title of the Bill is a misnomer—it may be due to the intoxication of power on the part of those who introduced it or it may have been intentionally done for misleading the public. To speak the truth, if it were called the Bureaucracy Safety Bill instead of the Public Safety Bill the name would have been more suitable and more significant. What good it will bring to the people of India, I fail to understand. One thing it will undoubtedly do—it will arm the bureaucracy with a dangerous weapon which will render it impossible for Indians even to dream of liberty in the near and distant future. Even a fool knows that your Safety Bill was forged not to give safety to the people of India but to strengthen every link of that chain of slavery which you have been putting round our necks during the last two centuries or so. It is a truism that when a patient has tried the most skilful physician in vain, he will grow all but desperate and in that state will not hesitate in consulting the most foolish quack fully knowing that even if the worst comes there can be only relief but no aggravation. Our condition at present is just as desperate if not worse. The malady of slavery has been upon us for long—too long perhaps and all sorts of patents, pills and mixtures have been tried—constitutional, unconstitutional, co-operation, non-co-operation—all have been administered by well-known doctors, but alas ! without success. Now in our utter helplessnes we are ready to take the most extreme remedy, provided it can afford us some relief. Communism which has done so much good to Russia—as I have been told—may soothe our pain—this hope at least emboldens me to welcome it. You can no longer befool us into cutting our throats so that the road before you may lie clear. For close upon two hundred years we have knocked at your gate with folded hands entreating you and worshipping you in a tone sometimes tender and warm, sometimes harsh and angry. At length, we are disillusioned. It is useless for you to try to cage us up now—Indians have grown earnest—they are perhaps in deadly earnest to fly in the sky of Liberty. You may kill them with your machine guns —if that please you, but you can not decoy them again into the net of the Safety Bill. It is possible to deceive some people for some time, but not all the people all the time.

From the Government side I regret that from Sir Hari Singh Gour even appeals have been made to our sense of sanity and sobriety in the name of our Hindu religion and Hindu culture as if these latter and even the throne of God would be pulled down to earth if the cursed Bolshevist is once allowed to cross the threshold of India.

Honoured Sir, is Communism likely to break the head of Hindu religion and Hindu society ? Is it likely to remove the Slavery which is both internal and external, physical and moral ? If there be so great a force, so great a potency in it, I for one would accord it a cordial reception. Does not the Hindu Religion belong to the time of the Vedas which taught that worship is a matter of the soul (atma) ? Does it not belong to the time of Manu who taught that slavery of whatever kind is miserable ? Are we not twenty two crores of Hindus belying ourselves

Vide p. 821 of L. A. Debates, dated the 15th September, 1928.

sadly and offering the grossest insult to the memory of the Vedic Rishis who taught soul (atma) worship and soul (atma) force and to the memory of Manu who tried to impress upon men the miseries of slavery ? They have no right to call it Hindu religion and Hindu civilisation. The principles underlying the Bill were born of a spirit of slavery to England. I do not understand, I confess, what clash there may be between Communism and Hinduism as preached by the Vedas and Upanishads. Then, as to our Muslim friends. Are not the seven crores of Muhammadans insulting the religion of Hazrat Rasul whose greatest achievement was in the delivery of the Arab from irreligion and ignorance ? And last, but not the least, does it not sound a little bit curious that the very followers of Christ who spend lakhs in obliterating from the face of India all other religious sects, should pose as the greatest friends of both Hindus and Muhammadans, anxious to preserve these ancient religions of the East ? I am almost driven to believe that anything is good that would put an end to this slave civilisation and this slave Government. Since the sweet nectar of the Mahatma could not remove the disease, we may be ultimately forced to have recourse to the bitter recipe of Lenin. Just now I was not a little aggrieved, nay, disappointed, to hear from Sreeman Srinivasa Iyengar that Leninism has not as yet killed religion which separates brother from brother, man from man and community from community. My only complaint against Lenin is that he has not as yet killed religion so that men may live in peace.

Sir, I confess, I am as much hostile to any Government from beyond the seven seas as to a god who is believed to be controlling this His Visible creation from beyond the seven skies. What unfortunate country is there in the world except India in which the political domination comes from the other hemisphere and the spiritual control is exerted from the other world—both unseen and unknown ? I would rather have a Government which is not only my own but which is also suited to the spirit of the orient, so that for the service of humanity I too, one day, may aspire to form a part of it, handle it and regulate it. Even in religion as in politics, I would not accept a god who is not my own and whom I can not feel as a part of my soul (atma). I am the enemy of both—a god thrust upon me from the outside and a constitution hung round my neck by force, which I would fain shake off.

Honoured President, I do not know what Communism is, I have had as yet no opportunity of cultivating acquaintance with its literature—my thoughts are based upon the pure world-old doctrines of the Hindus This cry comes not from a heart enriched, or should I say, impoverished by contact with western people or their culture, but from a heart which believes that the individual soul (atma) is no part of, but the same as the all permeating Brahma which neither man nor spirit nor God has the right to restrain, which knows no fear and which may be throttled not even by your Creator, if Creator there be, separate from and alien to it.

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British constitution says that the only limitation on the powers of the British House of Commons is that it cannot turn a man into a woman and a woman into a man. But the British Parliament has passed no law against Communists hitherto. Is India alone threatened with an invasion by the Communists ? Is the rest of the British Empire absolutely safe from their influence ? And what provision has been made in England, and what provision has been made in this connection by Ireland, by Canada, by Australia ? We have not been enlightened on that point. All that we are told is that India must be safeguarded. It seems to me that the position of the Government of India at present is something like the position of an old and jealous husband who doubts the fidelity of his wife and wants to keep his wife under lock and key, but the wife makes merry with her lovers all the same. That is the position of the Government of India. They want to shut out the possibility of new light reaching us. But I ask, will they be able to stop this torrent of Communistic doctrines reaching us if we pass this legislation ? How can they prevent India from coming to know the doctrines of Communism ? It is these capitalists—some of whom are sitting opposite to me—who have raised this hue and cry. They say that the recent strikes in India are detrimental to our peace and prosperity. So this is a preliminary to putting down labour in this country. I think this is only the complement of another Bill which is shortly to be put before this House, a Bill to put down strikes and such other things. I submit, Sir, we cannot allow this legislation to pass with our consent. It is open to the Government of India to issue an Ordinance over the head of this Assembly if they please, but they cannot proclaim to the world that they have passed legislation with the consent of the Indian people. We will not allow the Government to say so to the world. They should not ask us to vote for this measure when the measure is bad in every way. On these grounds, Sir, I oppose this Bill *in toto*. I do not believe in the efficacy of circulating this Bill for eliciting public opinion. To circulate it would be a bad thing altogether. I am afraid if this Bill is sent out for eliciting public opinion all the Provincial Governments and all European bodies in the country will opine in favour of it, and next time the Government of India will come to us armed with the opinion of these people and they will say " Look here, here is a large body of opinions in favour of this Bill and therefore the Legislature should accept it. " I believe it would be a strategic error to send this Bill for eliciting public opinion. The Bill should be thrown out at its inception. I have no sympathy with any part of the Bill whatever. My Honourable friend Mr. Jayakar, who is a very shrewed lawyer, pointed out the defects in the Bill here and there. My opinion is that the whole of the Bill is bad. It must go in its entirety. Sir, on these grounds I oppose this Bill with all the earnestness I can command.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

[**Mr. Narayan Prasad Singh** (Darbhanga *cum* Saran : Non-Muhammadan) made a speech in the Vernacular, a translation of which will appear later as an Appendix to these Debates.]

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Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : I hope the Honourable the Home Member is making a note of these points for reply ! (Laughter.)

(The Honourable Mr. J. Crerar nodded assent.)

Mr. Srish Chandra Dutta (Surma Valley *cum* Shillong : Non-Muhammadan) : Sir, I beg to move :

"That the following names be added to the Select Committee proposed by Sir Hari Singh Gour :

Mr. Amar Nath Dutt, Maulvi Muhammad Shafee, Kumar Ganganand Sinha, Mr. N. C. Chunder and Mr. Rajivaranjan Prasad Sinha."

Mr. K. Ahmed : How can these three amendments be jumbled together ?

Mr. Jamnadas M. Mehta : Sir, I rise to oppose the motion made by the Honourable the Home Member as well as the motion for Select Committee made by my Honourable friend Sir Hari Singh Gour.

Mr. President : But a Member of your Party moves an amendment to add certain names to the Select Committee.

Mr. Jamnadas M. Mehta : So far as his motion for the adding of names to the Select Committee is concerned, I will make up my mind when the time comes for voting. Well, Sir, as has been rightly pointed out by my Honourable friend Mr. Neogy, there is a peculiar appropriateness about the title of the Bill. It is called the Public Safety (Removal from India) Bill. There is very little public safety in this country and whatever little might remain is intended to be removed from this country under the provisions of this Bill. A most panicky picture has been drawn of the condition of things that will prevail if Communism was allowed to make any advance in this country. The Honourable the Home Member and other Honourable Members have like the fat boy in Dickens made our flesh creep with stories of atrocities that will result if this Bill were not passed. Sir, really speaking this is not legislation at all. It is the latest bureaucratic effrontery to crush liberty of thought and speech in this country. My leader the Honourable Pandit Motilal Nehru has shown that this Bill is the result of panic, that there is no warrant for this measure, that it is altogether superfluous even if there was a necessity, that it is sweeping in its provisions and dangerous in its consequences. All this has been so abundantly proved by him and other Honourable Members who have spoken before me that I need not repeat the arguments they have advanced in support of that proposition. But, Sir, the reason why I most strongly oppose this Bill is that this Government cannot be trusted with any extraordinary or extra-legal powers. The use they have made of the powers they have obtained from us or inspite of us, in the past has been so wicked and so heartless that every Honourable Member must consider not twice but thrice, before he thinks of voting for this Bill. Remember, Sir, that this extra-legal legislation, these Regulations and Ordinances, have been used in a most barbarous manner. Youths of this country as honourable, as learned and as able as any Members on the Treasury Benches have been detained or deported without trial for months and years until some of them have gone mad, insane, or have died or become decrepit for life. You have broken many a home as the result of the application of the Bengal Ordinance. You have darkened and desolated many firesides in Bengal as the result of Regulation III of 1818 and the Ordinance of 1924 ; and it is preposterous that you should now come forward and ask this Assembly to invest you

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with further powers. We cannot trust you with the liberty of a pariah dog, much less of a human being ; and therefore it is idle for Government to ask us to invest them with any powers of the kind they contemplated in this Bill.

Sir, we know that the letter of Mr. Roy on which so much reliance is placed has been challenged. It has been repeated from various places that this letter is a forgery and I should not wonder if this letter was a forgery, because there is nothing which the Government would not do when they want to serve a particular end. One of their own countrymen has said that India was conquered by breaking all the ten commandments and it cannot be retained by practising the principles of the Sermon on the Mount. The bureaucracy will do anything and everything in order to entrench themselves behind the powers they now seek to obtain. Mr. Churchill, when he was a Liberal Member, said of the Tory Party, Sir, that they would tell any lie, that they would eat any dirt, if only their power is thereby retained ; and the Government in this country is a subordinate branch of that Tory Government. Therefore if you remember what Mr. Churchill as a Liberal thought you cannot trust this Government with any power of the kind that is contemplated. Then, Sir, there is historical evidence that whenever it suits them this Government will forge evidence. British Rule in India began with the forgeries of Clive and it continues by the perjuries of Birkenhead and Winterton. During the intervening period they have practised other forgeries of which I will only mention three. Leaving aside the question of Clive's forgeries, Honourable Members will recall that in the days of the War we heard about a great German corpse factory. It was alleged against the Germans that they were utilising the dead bodies of their enemies for the purpose of extracting fat or some other ingredient with a view to help them in having their war material. This corpse factory story was circulated as propaganda all over the world ; and public opinion in the world was so shocked at the supposed atrocity of Germany in using dead bodies for getting war material that there was a great wave of feeling against Germany. Well, Sir, at the end of the war some years later, the author of this story was visiting America and the journalists of America invited him to a dinner and this gentleman drank more than was good for him and in that state of drunkenness inadvertently gave out that all this story of the corpse factory was his own invention and that there never was such a thing as a corpse factory in Germany ; the American newspapers took down all that he said and next day it was broad-casted all over the world that this corpse factory story was a concocted and perjured statement and that such a thing never existed. Therefore, Sir, we must be very careful before accepting any statement from the creatures of the British Government which is responsible for this corpse factory story.

Reference has already been made to the Zinovieff letter and that is the second instance of forgery. But I will give you one more instance of what false statements have been made by the British Government when it suits the purpose. Honourable Members will remember the incident of the Arcos raid in London last year ; there was the Russian Trade Delegation housed in a particular building in London, and the Home Secretary said that there was a stolen document in that Russian Trade Delegation house—a document that was stolen and obtained by dishonest means and therefore this Arcos building should be raided ; and this building was raided. People were prevented from going out ; they were searched and walls were pulled

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down and every attempt was made to find out that supposed document ; but as a matter of fact the document never existed there, and the Russian Trade Delegation was practically deported from England. It was really the enmity towards Russia which made them invent this story which led to the Arcos raid. I would not therefore be surprised if this story about Mr. Roy's letter is a forgery. I have got fresh evidence that the letter is a forgery. There is a telegram from Moscow dated August the 28th ; it has now been received by mail and circulated to-day by the Free Press of India. It is Mr. Roy's statement and reads as follows :

"Some days ago, the *Times* correspondent from Delhi cabled what purported to be extracts from a letter written by me to the Central Committee of the Communist Party and Workers' and Peasants' Party in India. According to the report, this letter alleged to be written by me was dated sometime in December last year, but was made public by police only a few days ago. In a subsequent message to the *Times*, dated 26th August, it is stated that in this fictitious letter, I mentioned Pandit Jawaharlal Nehru as the 'liaison agent between Moscow and India'. I hereby declare that I did not address any such letter to anybody in India. The statement about my referring to Pandit Jawaharlal Nehru as 'liaison agent' is a downright lie. I challenge the Government of India to produce the original of this mysterious letter with my signature. Obviously this latest 'letter of Roy' has been invented as a pretext for the proposed legislation against Communists. The cable to the *Times*, dated August 24th, gives the purport of the Public Safety (Removal from India) Bill and says the recent publication of M. N. Roy's letter to the Communists in India has directed public attention to this veil. If this letter proves the necessity for new repressive legislation, why has Government been sitting tight on it all this time since December ? The scheme of things is very obvious. The Imperialist Government wants to suppress the young labour movement in India. Some plausible pretext must be there. The 'letter of Roy' is forged with back date because one supposed to be written just in time to help the Government out of difficulty would be too ugly."

Mr. Roy concludes with a hope that the elected Nationalist Members of the Assembly will throw out this repressive measure.

Now, Sir, here is a definite denial and challenge by Mr. Roy himself who says that the statements made about his having written this letter are utterly false.

Mr. K. Ahmed : Is that also signed by Mr. Roy ?

Mr. Jamnadas M. Mehta : This is a telegram, and signatures are not received over the wires. But, Sir, I will assume that, if not Mr. Roy, somebody else wrote this letter. I do not mind even accepting the story that Mr. Roy wrote the letter which has now been circulated. I really do not understand what there is in the letter about which so much capital has been made. Let us take the bull by the horns. What does the letter say ? I will only refer to two or three paragraphs. The first is,—this is what is stated in paragraph 3 on page 1 :

"Our relation is that of comrades agreeing on principles and programme of a revolutionary struggle for freedom."

Now, Sir, Mahatma Gandhi has times without number declared that every patriot Indian, every Nationalist in this country, must be the sworn enemy of the Government as at present constituted. What is the difference between Mahatma Gandhi's statements so many times repeated and the statements I have quoted above ? Mahatma Gandhi has advised us—and we accept it—that every Indian who has the welfare of his country at heart must desire and must attempt to overthrow this Government by peaceful means. (*An Honourable Member* : "Ah ! peaceful ?") Yes, certainly, peaceful. The only difference is in the methods, but that we want to overthrow the present system of Government if we can is a cardinal point of policy

with every Indian, and therefore, Mr. Roy, if he wrote this letter, teaches us nothing that we did not know already. Then, Sir, Mr. Roy also advises the Indian Communists to do what ?—I am assuming for the moment that this is Mr. Roy's letter—He says :

"In India the Communist must place the question of national independence as the pre-condition for the realisation of the minimum demands of the working class."

So even if there is to be a proletariat rule, the writer of the letter admits that before there can be the rule of the proletariat, there must be the independence of India secured, so that, so far as even the Communists are concerned, they are quite prepared to work with us in the task of achieving India's independence ; we welcome that letter to that extent, because it urges what we have been working for. Then the last thing to which I would draw the attention of the House is contained on page 5 of the letter and that at once rivets our attention as to what the programme of this party is going to be :

"The main points in the programme of the W. P. P. are: overthrow of Imperialist domination, direct or indirect establishment of a democratic State with full political rights for the workers and peasants ; nationalisation of land (abolition of landlordism, native states and other feudal remains) land tax not exceeding 15 per cent. of the net income; exemption from taxation for poor peasants cultivating 'uneconomic' holdings; annulment of agricultural indebtedness; control over usury (interest not to exceed 5 per cent.); cheap agricultural credit; nationalisation of the means of transportation and basic industries (mining, iron and steel), 8-hour day and 44-hour week ; minimum wage, guaranteeing a fixed standard of living ; specific improvement of labour and housing conditions; free primary education; insurance against unemployment, sickness, old age, the State and the employers contributing 75 per cent. to the fund; workers' committees in the factories, and peasants' committees in the villages, to enforce the programme: freedom of press, speech and assembly; right to strike and carry arms; freedom of religion and worship, equal political and economic rights for women."

Now, I ask every Member of this House whether practically the whole programme as laid down in this book is a programme which has not been the programme of the Indian National Congress for many years. What is the difference except a point here or a point there ? 98 per cent. of the programme as laid down here has been accepted by the Congress and by other progressive parties in this country long long ago. This letter is not going to teach them anything. Cheap agricultural credit, 15 per cent. being the taxation on land, exemption of uneconomic holdings from taxation, free primary education, unemployment benefit, freedom of religion, equal political and economic rights for women—these are referred to in the letter. What is there in this which should frighten any honest man and thereby create any necessity for legislation of this kind ? I submit, Sir, the letter teaches very little new to the people of this country. Most of this programme has been before the country except the question of violence, and on that question Mahatma Gandhi and the Indian National Congress have long since made up their minds that all these reforms are to be achieved by non-violence.

Sir Victor Sassoon : Does everybody agree to that ?

Mr. Jamnadas M. Mehta : The Congress has refused to change its creed. My Honourable friend Sir Victor Sassoon, even if he does not read all the proceedings of the Indian National Congress, might know its creed, and that creed is the achievement of Swaraj by non-violence and legitimate means, and I say that the Congress has refused to change that creed, and Government should have had no fear as to the ultimate consequences of this

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letter as the programme of the letter and the programme of the Congress are identical except about non-violence.

Sir Victor Sassoon : Do the Bombay Communists agree with that creed of non-violence ?

Mr. Jamnadas M. Mehta : I am not concerned with the Communist's creed. The writer of this letter advises the Communists to join the Indian National Congress and to make the independence of India a pre-condition of every other item in the programme, so that, for some year, until the creed of the Congress is changed, even the Communists are bound to remain non-violent.

Sir Victor Sassoon : Are they ?

Mr. Jamnadas M. Mehta : Yes. This letter about which so much hullabaloo has been made, this letter which to me is an obsolete letter—what is there in it most of which we have not for years past been advocating ? It only shows that the Government are a Rip Van Winkle who do not know what is going on in the country. The country has been demanding most of these reforms for years and years and there is little in this letter which can add to the programme of the country as represented by the programme of the Indian National Congress.

There are only one or two points more which I wish to take. The provision of clause 2 of the Bill really gives a blank cheque to Government to do what they like with the liberty of any individual who comes to India. It is absolutely a blank cheque, because, what is contemplated is that the Governor General in Council may, by order in writing, declare a man to be the person to whom this Act applies. The moment the Governor General in Council declares that, he becomes such a person. Whether he is or is not is another matter. The dangerous and very sweeping provisions of this clause will thus be patent to Honourable Members.

Clause 2 (*c*) provides :

"Is a member of, or is associated with, any society or organisation, whether in British India or elsewhere, which advocates or encourages any such doctrine or activity as is described in clause (*a*) or clause (*b*), or which is affiliated to, or connected with, any such society or organisation."

Now, that is even more dangerous than clause (*a*) or (*b*). A foreigner need not be a Communist himself ; he need not have advocated any activity mentioned in clause (*a*) or (*b*). But if he is connected with any organisation which organisation is in its turn connected with a Communist body if he is not connected with a Communist body itself but with a body which is connected with a Communist body, that person will come within the clutches of this law. Sir, there may be occasions when a most innocent man may be connected with a body in India which may be connected with a Communist body somewhere in the world, and the connection may be of various kinds. For instance, if a non-Indian living in India is a reporter or a correspondent of a Communist journal—mind you, he may not be a Communist himself, he simply supplies labour and other information from this country to that Communist journal, which may be, say, in Paris,—the mere fact that he supplies labour news from this country to the French journal will be sufficient to bring him within the purview of this law and will make him liable to be deported. An innocent correspondent of a Communist journal in this country is liable to be deported simply because in the language of this clause he is connected with that body. Now,

Sir, I must say that this is even more sweeping than anything that Government have done so far. Not only such a correspondent, but even a clerk in his office will come within the purview of this clause because he is the servant of a person who is connected with a Communist organisation abroad. I think absurdity could not go further. If Government want that the liberties of individuals should be handed over to them in this sweeping manner simply because one individual is connected with another which is connected with a Communist body outside India, I do not think that any individual is safe under this Bill.

Mr. President : These are matters for the Select Committee.

Mr. Jamnadas M. Mehta : Yes. I am only pointing out that this is a dangerous clause and we must not allow any such power to Government. There are similar dangerous clauses, but this one has struck me as so sweeping that it is sufficient to stamp this Bill as altogether unacceptable. I agree with the Government that a Bill is necessary for the safety of the public in this country. I could have supported them if they had brought a Bill for the safety of the public. The safety of the public in India has always been in very great danger—from the Government ; not from any outside authority or from any Communist, and if anybody deserves to be deported it is the members of the Government. The public safety of this country suffers most from members of the Government, from members of the Civil Service and from other public servants. (*An Honourable Member* : "And non-official Europeans.") I am leaving the non-official Europeans alone for the time being. I say that the public safety is in danger from civil servants who kick and kill and yet get scot-free, who insult Indians and yet there is no remedy—just as a rickshawalla was kicked and killed in Simla two or three years ago. It is these people who danger the public safety in this country. I really think that what the Bill should have done is that anybody who being a public servant is convicted, I do not want to deport him without a trial—but once a public servant in this country—he must be a non-Indian according to the Bill which I accept—is convicted in a court of law for assault, hurt, grievous hurt, or insult to the people of this country, the moment that crime is brought home to him and he is convicted he ought to be deported under a measure of this kind.

If the Government bring a measure of that kind I will certainly support it most heartily because it is really this kind of people who are bringing public safety into danger in this country.

Mr. M. S. Aney (Berar Representative) : I believe the Honourable Member has got an amendment to that effect.

Mr. Jamnadas M. Mehta : If the Bill comes on, I will bring that amendment up and show how these people deserve to be deported. I have only one word more to add and that is that the danger to the European community has not been realised by them. I say your fight for liberty, your traditions of liberty are worth nothing if you deny an equal measure of liberty to every other human being and I find to-day that the European Group who are exploiting this country are blind to the claims of liberty of other people, simply because they fear that these might come in their way. I ask Honourable Members to remember that under this Bill not merely a Spratt or a Bradley will be deported but a man like Mr. Horniman may be deported, Mr. Stokes may be deported, Mrs. Anie Besant may be deported, Mr. C. F. Andrews may be deported. Therefore we should deny

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even a second reading to this Bill and throw it out unceremoniously India does not want to be blackened before the nations of other countries. What would the Egyptians think of us, what would the Chinese think of us, what would the Afghans, Americans, and the French think of us when they hear that the Indian Legislature with an elected majority allowed itself to be stampeded into action whereby foreigners could be deported without trial in times of peace ? India is not anxious to earn so bad a name and so black record. We want to be friends with other countries of the world. If this Bill pass, let the world know that it will pass over the heads of the people of this country, over the heads of the elected Members of this country and in the meantime let the world know and let India know that the elected Members of this Assembly as a whole will stand like a wall against it. Sir, I oppose this motion

Mr. K. Ahmed : Sir, this is the eighth time I stand up. I should be allowed to speak before Sir George Rainy's concluding speech is delivered.

Mr. President : Sir George Rainy.

The Honourable Sir George Rainy (Member for Commerce and Railways) : I think this House has reason to congratulate itself on the very high level which the debate has attained. Personally I have listened with the greatest attention to almost all the speeches, and I have been very greatly impressed both by the ability displayed and by the admirable tone which on the whole was maintained. Yesterday, Mr. President, as I was listening to the Honourable Pandit, the Leader of the Opposition, a feeling passed through my mind and I was not sure whether it was justified or not. It seemed to me that not only in his speech but in the speeches of other Members who rose from the Benches opposite there was an unexpected absence—may I say—of acrimony and invective. It seemed, indeed, that Members were putting forward objections to the Government proposals, of which they were most conscientiously convinced—yet only half-heartedly as if they almost wished that they could accept these proposals. I may say that these suspicions which passed through my mind have received the most ample confirmation from the speech of Mr. Jamnadas Mehta to which we have just listened. The picture that presented itself to me was this, Sir, that in some secret conclave of the Opposition Leaders one or other of them might have expressed his regret that this most powerful weapon in the hands of a Swaraj Government could not be accepted from the hands of the present Government. How admirable it would be if the power then existed to deport the European ! My Honourable friend has made it clear that we on the official Benches will not be in danger from this particular measure, but from another which he forecasted, the Public Servants Removal from India Bill. But my Honourable friends of the European Group, as I fear, would then be in the gravest peril. I can imagine my Honourable friend, Mr. Jamnadas Mehta, with a glistening eye gazing on the bright vision of the steamer, no doubt reserved for the coastal trade, steaming out from Bombay with the entire European group on board. (Laughter.)

Mr. Jamnadas M. Mehta : And I will bring garlands with me.

The Honourable Sir George Rainy : That bright vision, Sir, had to fade. My Honourable friends opposite evidently felt that they could not consistently with their principles accept this Bill, and that even the

hope of the use to which they might ultimately be able to put it would not justify them in accepting it. No doubt the political sagacity of the Honourable the Leader of the Opposition recalled to him the old proverb, " I fear the Greeks when they come bearing gifts ", and he dropped a tear and let the vision pass.

The objections, Sir, that have been raised to this Bill have been of various kinds. I will not weary the House by attempting to go through them in detail, and what I have to say will, as far as I can, be devoted to what seemed to be the most important of them. My Honourable friend, Mr. Jayakar, to whom it is always a pleasure to listen, in that most lucid speech to which we listened yesterday gave two of the arguments which I think weigh with Members on the other side. One of them was, " We cannot trust this Government with special powers because they misuse such powers." The other was, " This Government should not ask for such powers because they never use them when they get them ". (Laughter.) Now, Mr. President, either of these arguments.....

Mr. M. R. Jayakar (Bombay City : Non-Muhammadan Urban) : On a point of personal explanation, Sir. What I said was, " Government either abuse them or do not use them at all ".

The Honourable Sir George Rainy : But then in that case which is the apprehension that is moving the mind of my Honourable friend ?

Mr. M. R. Jayakar : In the one case these powers are not necessary and are asked for in a state of panic, and in the other case they are mischievously used.

The Honourable Sir George Rainy : But I think my Honourable friend must in the end make a choice. I know that under the Criminal Procedure Code you may have a conviction in the alternative, but in this case I really do not know whether this Government is to be convicted of asking for what is not necessary, or of asking for what we are certain to misuse ! We cannot be guilty of both crimes simultaneously. I think myself that, if I had to choose, the most probable contingency is that the powers, if given, will be very little used, because in the nature of the case the safeguard which Government propose to provide is the second line of defence and not the front line. The question of removing Communist agents from India does not arise unless they have in the first instance succeeded in evading the passport regulations. No doubt experience has shown that this is perfectly possible and will sometimes happen, and it is precisely for that reason that Government have found it necessary to put forward these proposals. But it is not likely at all that such cases will be numerous ; and if in future it is said that Government has made very little use of these powers it may be for the very excellent reason that the necessity for their use did not exist. Now, Sir, it would be useless for me to try to establish the fact, to the satisfaction of the Members opposite, that this Government is fit to be trusted with powers of this kind. They are not to my mind, it is true, anything like so serious or important as several powers which this Government already possesses. Still I quite recognize that they are powers which no Legislature willingly concedes to the Executive Government until the matter has been fully and maturely considered, and until the Legislature is satisfied that the necessity for these powers really exists. One of the lines of argument adopted by some Members on the other side I might perhaps sum up in this way. Their view is that, after all the Bolshevik is nothing like so black as he is painted.

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On the whole he is perhaps a very decent person and we have nothing particular to fear from him. Some Honourable Members have been in Russia and they have told us what they themselves saw when they were there. My Honourable friend Mr. Suhrawardy suggested that perhaps what they saw was an example of the Russian genius for stage management, and that reference suggested to my mind a somewhat quaint historic parallel between my Honourable friend Mr. Srinivasa Iyengar and the Czarina, Catherine the Great. As the proceedings of that estimable lady were on some occasions somewhat questionable, I hasten to add that the point of the comparison is not in the character of the persons concerned, but merely in the treatment which they at various times are said to have received from the Russian authorities. No doubt Honourable Members are familiar with the story of how the Czarina announced that she proposed to make a tour of her dominions, and how the permanent officials, the sundried bureaucrats, were very much put out about it ; but proving equal to the occasion they organized a series of admirable villages peopled by happy villagers with all the latest comforts of civilization along the whole route through which the lady travelled. Now, while I am quite sure it was the desire of the authorities in Russia to extend a hospitable welcome to my Honourable friends, it is perhaps permissible to doubt whether it would be in their power to make such complete preparations as were made on the earlier occasion to which I have referred. Therefore, if my Honourable friend prefers to believe the evidence of what he himself saw and what he himself heard in Russia, I do not know that we should have any real right to complain of it. Indeed a good deal of what he said did not come to me with any shock of surprise, because it is no part of the case of Government, as I understand it, that the calamities which we apprehend might fall upon India if the Communist influence spread here, that such calamities are happening in Russia to-day. Russia has passed through her purification by blood and fire and has emerged for the moment on the other side, and a Communist Government will not, any more than any other Government, use weapons that are no longer required. If I went to Russia I should expect to find, subject of course to all the local peculiarities which are natural to the country—I should expect to find on a casual view under normal conditions very much the same sort of thing as might be going on in other countries. But although I should be most willing to believe that to my Honourable friend Mr. Srinivasa Iyengar, as was suggested yesterday, a single day is equal to a year, and that in 10 days he could acquire as much information as most of us could acquire in 10 years, still I do feel that as regards the actual internal conditions in Russia it is only those who have spent a considerable time there in close contact with the life of the people who are in a position to give valuable information on the subject. However, as I have said, it is not an essential part of the Government's case that the conditions existing in Russia to-day are in all respects deplorable ; what is an essential part of our case is that the Communist Party, the whole-hearted Communists—I quite agree that they may not be so numerous as they are often represented to be—but the section which constitute the driving power of the party, when they are attempting to carry their campaign to success in a country which has not hitherto been exposed to its influence, adopt methods utterly ruthless and unscrupulous and carry them out relentlessly, inflicting the most appalling calamities on the people of the countries concerned. That, Sir, is an essential part of the Government case. (Applause.)

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Maulvi Muhammad Yakub.)

Now, Sir, we heard—I think it was on the first day of the debate—we heard from my Honourable friend Sir Victor Sassoon of what he had himself seen and heard in China. Indeed the calamities that the Bolshevik intrigue have inflicted on that country must by this time be well known to everyone. It will not do to say that the Bolshevik is entirely a white sheep and a grossly maligned person, or that there is no particular reason to apprehend that if he succeeded in getting a real grip in India, he would not attempt—and possibly with some measure of success—to carry out a similar programme. There is ample material to show what the declared policy of the Communist Party is and what their recognised methods of carrying out their intentions are. I do not believe that anyone who seriously studies the subject can be left in any serious doubt on that point. On the other hand, I admit, that although there is a very close connection between the headquarters of the Communist Party in Russia and the Russian Government, yet they are not identical ; and if Honourable Members who have been in Russia were to tell me that they met members of the Russian Government who did not go anything like the whole length, I should accept it. But what we have to deal with is not the Russian Government ; that does not come at all into the question. What we have to deal with is that very powerful and dangerous party, the Communist Party, whose headquarters are in fact situated in Russia.

Now, Mr. President, I will try to deal with what I believe to be the substance of the case presented from the opposite Benches. What I think is most deeply felt by a number of Members is this : " This Bill is of course repressive legislation for it gives exceptional powers to the executive, and it is not the kind of Bill we are very fond of in this House. Still we are ready to hear what Government has to tell us, but we should like to have before us, before we come to a decision, more facts than have yet been produced." I frankly recognise that that is a reasonable attitude, and that Government must, of course, do all in its power to meet the demand. But I should like the House to consider what the inherent difficulties of the position are. As several Members have pointed out, the purposes mentioned in the Bill, the advocacy of which, or combination to effect which involve deportation, these purposes are highly criminal. Now, if Government had full evidence on these points, naturally instead of coming to this House for special powers, what we should do would be to bring a case in the courts and ask the courts to convict. The mere fact that we ask for these special powers necessarily implies that, if we have to wait until we have acquired all the evidence which would justify a conviction, the mischief may be done before the remedy is applied. That is essentially implied in this Bill. But if the position is such that Government are not in a position to produce evidence which would secure conviction in court, for precisely the same reason they are not in possession of the kind of evidence which they could place before this House in detail, in order to ask this House to confirm the view they had taken about it. That is an inherent difficulty in the case. Apart from that, there is a special difficulty which must seriously hamper the speakers on this side in dealing fully with the case as it appears to them. Yesterday, Honourable Members will remember that when my Honourable colleague, Sir Bhupendra Nath Mitra, was speaking, a point of order was raised by, I think, my Honourable friend, Mr. Neogy and some others, on the ground

[Sir George Rainy.]

that reference was being made to matters that were *sub judice* ; a very natural objection to take. But obviously the case we are presenting to the House depends mainly on what has happened during the last eighteen months and more particularly during the last six months. It very seriously increases the difficulty if at every turn when we weep to refer to any particular incident, showing the kind of spirit that has entered into India within the last eighteen months, obviously it is very difficult if we cannot refer to any of them, I do ask the House to consider that. I feel that, as a Member of the Government, speaking in this place, I have to be particularly careful not to say one word that could prejudice the trial of anyone. For that reason I refrain from saying most of what I should like to say. But I would ask the House to consider this. There are a good many facts, well known events that have taken place in India during the last eighteen months, and I think they give the House reason for very serious thought as to whether there is not some new influence at work which it is as well should be checked.

Mr. President, some speakers have asked the question : why do you want these powers, why not intern these men under Regulation III ? I am told that in the western States of America, there was a time when every gentleman had a revolver in his pocket, it came out at the shortest notice ; and I think some Honourable Members conceive the Government of India to be in a similar position so that, whenever they feel like it, out comes Regulation III. I assure Honourable Members that we do not take our responsibilities so lightheartedly as that, and if the same end can effectively be achieved in the way of preventing the mischief which we apprehend, then unquestionably the Government of India would always choose the milder means. Now, in the case of Communists who are Indians, the milder means provided by this Bill are not available. Supposing—I should very much regret to see it—supposing the necessity arose, we are not at liberty to banish Indian Communists from the country. But in the case of those who are natives of other countries and who have come to India merely temporarily, that alternative does exist and it is in order to enable the Government of India to deal with the situation in the mildest manner possible that this Bill has been put forward. After all, I gather—and at any rate my Honourable friend Mr. Jamnadas M. Mehta would agree with me—that none of us Europeans have a vested right to remain in this country at all. (Hear, hear.) Indeed he indicated that he would under certain circumstances support measures leading to our removal. Therefore I do not think that this Assembly would incur a responsibility anything like so heavy as it has assumed on other occasions, if it gave its support to the Government Bill.

Mr. President, this debate has now lasted for several days and I think the energies of some of us are beginning to flag. Certainly it is not for me to weary the House by talking endlessly on this subject. I will therefore bring my remarks to a close. All I should wish to do is to ask the House, as they have carried on this discussion in a spirit of temperance, tolerance and sober judgment, so they should give their votes when the time comes with a due sense of responsibility for all the issues which they have to face. (Applause.)

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) : Sir, I have listened with admiration to the speech of my Honourable colleague Mr. Jayakar, which was delivered on the floor

of this House the other day. But, Sir, I failed to understand why he is asking this House to adopt the amendment for circulation. I think that a man coming from Bombay is sufficiently aware of the dangers which this movement is doing in India. Sir, the object of circulation, as I understand it, is to invite public opinion and the opinions of the Government. I do not know whether my Honourable friend Mr. Jayakar has taken care to enquire the opinion of the Government of the province from which he comes.

Mr. N. M. Joshi : He is not in the confidence of the Government of Bombay.

Mr. Fazal Ibrahim Rahimtulla : He need not be in the confidence of the Government, but he is supposed to enquire what the matter is when a Bill of so important a nature is put forward by the Government. The Government of Bombay has been unequivocally telling us and it is known to everyone here that the Communist movement in Bombay is doing great harm. I suppose my Honourable friend Mr. Joshi had heard the speech of Sir Purshotamdas Thakurdas who has gone out of his way to tell the Government that they were weak, and that they ought to have taken action long before to-day. I suppose he was not sleeping then. He opposes the Bill on some other ground and I shall come to that. But I do not understand the attitude, Sir, of those who want circulation. What is the object of circulation and what is the advantage ? We have sufficient opinion created in India and I would like to have an opinion on the floor of this House. Is anybody here in favour of Communism ? That is the whole point. (*Members of the Congress Party* : "That is not the point.") Is there Communism, and how to deal with that Communism is the question. If you say, there is Communism and if you understand the object of those who are dealing with Communism, then I can understand it is necessary that we should adopt such methods as are necessary to get rid of it.

Mr. B. Das (Orissa Division : Non-Muhammadan) : But there is no Communism.

Mr. Fazal Ibrahim Rahimtullah : I am glad to hear that from you, Mr. Das. But I would like to draw the attention of the House to what is Communism. Communism is a special movement within Socialism with the same ultimate goal, namely, the abolition of social stratification by the destruction of private ownership ; and according to Marx how is it attainable ? It is attainable only by means of revolution. Why don't you say so clearly instead of driving India to revolution ? Say it clearly and we will understand it. As I understand it, Sir, it is no use hiding the main issue. According to the Russians the strength of the Communist movement outside Russia varies differently in different countries, being greatest wherever economic distress is most acutely felt. And here I agree with my Honourable friend Mr. Joshi that Government is to be blamed for it.

(At this stage Mr. Deputy President vacated the Chair, which was resumed by Mr. President.)

It seems to me that the continuance of the intensive propaganda of the Third International despite very prejudicial effects on the political relations between the Soviet States and other Governments is mainly attributable to the growing sense of the Russian Communists and to their belief that the Russian experiment depends for its lasting success

[Mr. Fazal Ibrahim Rahimtulla.]

upon the accomplishment of the World Revolution. Are you prepared to admit this or not ?

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : We are.

Mr. Fazal Ibrahim Rahimtulla : I am glad to hear you say so. My friend Lala Lajpat Rai made out two or three points. First he says that he does not understand why the English people are supporting this Bill because Englishmen are concerned. Secondly, he says that the strikes are due to money coming from Lancashire. The third point he made was that he does not want to isolate India from other foreign countries. Sir, as regards the first point, the very fact that the European Group is favouring this Bill shows that they do not wish to destroy Government and they do not wish to ruin India. As regards the second point, Lala Lajpat will clearly bear me out on this, that British people are here only for their trade interests.

Lala Lajpat Rai : Quite right. Well, if Lancashire is financing these trade strikes, no European would come forward to support this Bill. (*An Honourable Member* : "Why not ?") They will not, because it touches their pockets. With regard to the third point, I found, Sir, that the Swarajist Members, with whom I am in full agreement, when the other day Sir George Rainy moved the Textile Bill,—Mr. Jamnadas Mehta said we want the Cloth Bill. The effect of that would have been to spoil our relations with Japan.

Mr. B. Das : Why ?

Mr. Fazal Ibrahim Rahimtulla : Because that would kill the trade of Japan. Sir, our whole object is to see that India is prosperous, no matter what the relations with other countries may be. The primary object of this House, which is constituted with a majority of elected Indian Members, is to see that India is prosperous and not to ruin India for the purpose of not spoiling our relations with foreign powers. As regards my friend, Mr. Joshi, he has told this House—and I agree with him entirely—that he would like to see any money, coming from any source, being treated by any individual as untouchable. Perfectly true. But, Sir, he did not tell us the object why the money was sent. That is the whole point, not the money.....

4. P.M.

Mr. N. M. Joshi : To support the strikers.

Mr. Fazal Ibrahim Rahimtulla : For what reason ?

Mr. N. M. Joshi : To feed the strikers in this country.

Mr. Fazal Ibrahim Rahimtulla : The whole object to my mind is the motive of those people who sent him the money. That is the point.

(At this stage Mr. N. M. Joshi made an interruption which was inaudible at the Reporter's table.)

Mr. Fazal Ibrahim Rahimtulla : We know it very well from your movements in the Bombay Presidency.

Mr. N. M. Joshi : Is not the police sufficient in Bombay to watch my movements ?

Mr. Fazal Ibrahim Rahimtulla : Because your movements are not necessary to watch. You are nobody in Bombay nowadays and you know it.....

Mr. President : The Honourable Member would be well advised not to take notice of interruptions.

Mr. Fazal Ibrahim Rahimtulla : I am glad of your advice, Sir, and I shall try to follow it ; but when people interrupt I have got to reply to them. I think, Sir, the best speech that was made in this House on the subject was the speech of Sir Purshotamdas Thakurdas for whom I have got the greatest respect and his speech was that he was not against the Communist movement. He says that Government ought to have taken action earlier and immediately. The only difficulty he has is that he does not understand why Government did not take action under Regulation III. I think, Sir, the Government ought to have replied to that. But I find my friend, Mr. Munshi, has dealt with that subject in a very clear and cut and dried manner. His point was and he has told us that Government did not wish to apply Regulation III because there would be a great uproar in England. Suppose that argument is true. Then, do you mean to say that the Government should not find out any other means by which to get rid of this Communist movement in India and that they should merely look on and see, if they find that the British people are getting into uproar in England over the application of Regulation III to the British subjects ? That is why they have brought this measure before this House. My friend, Mr. Jayakar has all along told us—and I think very rightly too—that looking to the past experiences he cannot trust the Government. But what is his duty here ? His duty is clearly to go before the Select Committee, to accept the principle and find out such safeguards as he thinks necessary so that the question of trust will not exist in the future. The whole principle of the Bill, as I understand it, is to get rid of the Communist movement in India. That is the principle.....

Mr. M. R. Jayakar : The principle of the Bill is deportation by summary methods and without trial.

Mr. Fazal Ibrahim Rahimtulla : Will you suggest some other methods ?

Mr. M. R. Jayakar : If the very essence of the Bill is trial by summary methods, then there is hardly anything to be done in the Select Committee by way of devising a procedure of safeguards.

Mr. Fazal Ibrahim Rahimtulla : But you told us before this House that you were willing to give these powers to the responsible Government when it came into existence.

Mr. N. M. Joshi : How can you make this Government responsible by Select Committee ?

Mr. Fazal Ibrahim Rahimtulla : What I want to reply to Mr. Joshi, though, Sir, you have told me not to mind interruptions—I do not know whether I should disregard this one.....

Mr. President : I would ask the Honourable Member to accept my advice.

Mr. Fazal Ibrahim Rahimtulla : Very well, Sir, I shall do so. One remark Mr. Munshi made, Sir, to which I take great exception. He told us : " Why does not Parliament legislate for India ? " I hope, Sir, he will not ask this House to adopt this pernicious principle that the Houses of Parliament should legislate for India. We know how to take care of ourselves and also of the British subjects residing in India. We are not here only legislating for British subjects but, we are also mentioning aliens. The whole point is, are you going to accept the principle or not ? (*Cries of* " No.") If you are not going to do that, then you say you are in favour of the Communist movement in India. My friend, Mr. Jayakar, comes from Bombay and I shall read to him a small paragraph from the *Indian National Herald* of the 25th April 1927—a speech delivered by Mr. Spratt. And what does he say ? He says :

" It was wrong to argue, that the country was not prepared for non-violent civil disobedience. Although revolution was not synonymous with bloodshed, yet a strictly non violent atmosphere was a far off cry. Every revolution in history was attended with bloodshed. The very idea that some blood would have to be shed ought not to deter India from launching the programme of civil disobedience.

In the end Mr. Spratt hoped that the right lead would soon be forthcoming, and India would witness one of the biggest revolutions recorded in history."

Mr. M. R. Jayakar : Does the Honourable Member know that Mr. Spratt was tried in the Bombay High Court and found not guilty by an English Judge ?

Mr. Fazal Ibrahim Rahimtulla : Yes, but on some other grounds, and not because he was a Communist. Sir, the whole point that I want to make out is this, that there has been sufficient evidence available in India about the existence and spread of the Communist movement in this country, and especially in Bombay it is quite evident that the strikes are due to the Communist movement. I do not for a moment agree with all the clauses that are in the Bill. I only say that we accept the principle, and that we should get rid of the Communist movement in India.

Then, Sir, as regards our fear that the Government will misuse the law, we can go to the Select Committee, fight it out there, and provide the necessary safeguards for the purpose. If we cannot find an agreement with the Government as to the safeguards which we should like to provide, it would still be open to us to throw out the Bill at the third reading, and at that time I shall be with the other side of the House (pointing to the Congress Party Benches), for the very reason that Government have failed to co-operate with the House. I personally, Sir, do not know whether a reference should be made to the letter which my father has written in this connection. My father has clearly pointed out that the Communist movement cannot be got rid of by this Bill. (Hear, hear from the Congress Party Benches.) This is only a beginning. The root cause is the policy of the Government. (*An Honourable Member* : " Exactly so ".) Take the ratio question. That has ruined the cultivators. That has also brought about the strikes in Bombay and elsewhere. (Hear, hear from the Congress Party Benches.) Now, if Government come forward with a Bill of this character and wish to mend their ways, and if they want the co-operation of this side of the House, we should not refuse it, and this is the only reason, Sir, that I have for supporting the principle of this Bill. Government have now come forward, they have opened their eyes to see the folly of their past actions. (*An Honourable Member* : " They have not seen their folly yet ".) Government have now come forward with this measure, and it is up to us to accept its principle. That is the main reason why I am supporting this measure, and I hope, Sir, that the House will agree to send it to a Select Committee.

Mian Muhammad Shah Nawaz (West Central Punjab : Muhammadan) : Sir, I thank you for giving me an opportunity to speak on the Public Safety Bill. The object of this Bill is to ensure the safety of the public. While all civilised countries have long since taken measures to check the anarchical activities of the Communist International, the Government of India, who are in charge of teeming millions of the people of this country, cannot shut their eyes to the dangerous propaganda that is carried on by the Red agents and their foreign emissaries from overseas. Sir, having regard to the political and economic conditions of this country, the Red agents and their friends have made India their special butt, with a view to arouse a spirit of defiance of authority and lawlessness, with the ultimate object of overthrowing the existing political Government of the land and the present structure of society by rapids of anti-political and physical force revolution, which, in my opinion, is the negation of all true political life, and is meant to crush everything even all that is good in time-honoured institutions.

Sir, much has been talked in this House about Communism. But I am sure there are still some Honourable Members in this House who would like to know the exact scope and the extent of the principles of Communism.

I will only refer to the Russian constitution to show what is meant by this Communism. Its cardinal points are laid down within the fore corners of the Russian Constitution and do not require much elucidation. I will read to you, Sir, the Articles in the Russian Constitution dealing with the subject now under discussion. Sir, I invite the attention of the House to page 220 of the book called " The Select Constitution of the World ", Chapter II, Article 3. (Russian Constitution.)

It runs thus :

" With the fundamental aim of suppressing all exploitation of man by man, of abolishing for ever the division of society "

—mark these words—

" of abolishing for ever the division of society into classes, of ruthlessly suppressing all exploiters, of bringing about the Socialist organisation of society, and of establishing the triumph of socialism in all countries, the Third all-Russian Congress of Soviets further decrees:

(a) In order to establish the socialisation of land, private ownership of land is abolished; all land is declared national property, and is handed over to the workers, without compensation, on the basis of an equitable division, carrying with it the right of use only."

That is to say, no one else but the cultivators only have the right to occupy land and landlordism and the right to hold property in private ownership is abolished for ever.

Mr. M. S. Aney : Is it bad ?

Mian Muhammad Shah Nawaz : Quite bad, certainly bad ; there is no doubt that it is thoroughly bad.

Sir Hari Singh Gour : It would be a fine thing if they took possession of your house.

Mian Muhammad Shah Nawaz : Clause (*c*) of Article 3 says :

" As a first step towards the complete transfer to the Workers' and Peasants' Soviet Republic of all factories, workshops, mines, railways and other means of production and transport, and in order to ensure the supremacy of the workers over the exploiters, the Congress ratifies the Soviet law on workers' control of industry and that on the Supreme Economic Council."

Clause (*g*) says :

" In order to secure the supremacy of the labouring masses, and to guard against any possibility of the exploiters regaining power "

—mark these words—

" the Congress decrees the arming of the workers, the formation of a Socialist Red Army of workers and peasants, and the complete disarmament of the propertied classes."

That is to say, the workers and peasants are to be armed while the propertied men, the landlords, are to be disarmed, and forcibly dispossessed of their landed property.

Now, Sir, it has been said in this House that the Russian constitution has nothing to do with religion. I will read to you an Article from their constitution itself to show that the Russian Constitution is in favour of anti-religious propaganda. This is Article 13 :

" To ensure for the workers genuine liberty of conscience, the Church is separated from the State and the school from the Church ; and freedom of religious and anti religious propaganda is assured to every citizen."

That is to say, this Russian Constitution brings into conflict different forms of religion. Recently we passed a law to the effect that malicious attacks on the founder of a religion are punishable, and here, this constitution, on the face of it, allows anti-religious propaganda to be carried on. We know the serious consequences that will follow if we were to assure anti-religious propaganda to every citizen. There will be riotings everywhere.

Mr. C. Duraiswamy Aiyangar : May I ask my Honourable friend whether a Communist who interferes with religion comes within the section as defined in clause 2 of this Bill ?

Mian Muhammad Shah Nawaz : Yes, it will create hatred between class and class.

Mr. C. Duraiswamy Aiyangar : Kindly read clause 2.

Mian Muhammad Shah Nawaz : I am not bound to do so. See it for yourself.

Mr. C. Duraiswamy Aiyangar : Thank you.

Mian Muhammad Shah Nawaz : Well, Sir, I submit that the activities of these Communists are increasing. Only last month the Congress of International Communist youths, called the Kim, met, of course, in Moscow to discuss the situation. This session of the Conference was opened by Gorkik and he drew the attention of all the members who had assembled there to the importance of recruiting young men for the purpose of spreading the Communist propaganda throughout the length and breadth of this world. Gorkik stated that new sections of the Congress were opened in 12 countries, including Australia, Palestine

South Africa and India. He also referred to the Peasants' and Workers' Society in Bengal. He further pointed out that the Congress was sending out pioneer units in twelve countries to spread Communism even among school children. Look at the activities of the Communists, how far they go. The first resolution at this Congress was tabled by Kusmin. He said that India was the country for the activities of the Communists. He advocated the concentration of revolutionary efforts in India, among the masses, where there is so much misery. The masses, he declared, should be taught to revolt against the British Government. " Our task ", he went on to say " was to withdraw the masses from the Indian nationalist bourgeoisie and to win them for our movement ". Surely, the Indian nationalist politicians are included in bourgeoisie. He further declared that the general strikes in India are half revolutionary symptoms of an intensifying crisis, and he went on to say that these half revolutionary methods will be transformed into wholly revolutionary. These strikes will paralyse the existing administration, the pending revolution that will strike at the root of the whole economic, social and political structure of the society. The danger, therefore, from Communism is a real one. We also know that in point of fact there are some Indians who are receiving money from Moscow. Mr. Jhabvalla, a resident of Bombay, admitted—I read it in to-day's newspapers—that he had received Rs. 14,000 from Moscow for the purpose of helping the strikers. (*Mr. D. V. Belvi* : " 14,001.") Again it is said that Russia is for peace. Russia is not for peace. I warn the House, and I say this most emphatically, that Russia is preparing herself for another war. You have only to read the article contributed by Mr. Herbert Sweeney to the *Times of India*. Will you permit me, Sir, to cite the following passage from this article :

" Every man or woman is being trained as a soldier in Russia. This means that in another war the Soviet will have no non-combatants. Millions are being spent in training young men and young women in the various phases of terrible modern warfare. In military strength she is second only to France. Russia is breeding a nation whose inhabitants regardless of sex will be a warrior nation who will be taking an increasing interest in poisonous gas warfare and military aviation. All things are being controlled by the Government from the birth of children up to the time of the burial of the dead."

Well, Sir, these are the hard facts of the situation. Are we going to have Communism in India or not ? I think that gentlemen living far from the Punjab and the North-West Frontier Province do not realise the situation. Those who are living in Bombay, Madras, Central Provinces and Bengal have not much to suffer. I know full well that if there is an attack on India from Russia or Central Asia, the Punjabis will have to fight every inch of the ground and to me it will be sweet and glorious to die for my Motherland. Gentlemen coming from Bombay and other provinces do not realise that the Punjabis have to bear the brunt of the Russian invasion if it were ever to come. We feel that our hands should be strengthened rather than weakened by internal disturbances.

It has been said that there is no evidence that Communism is spreading in India. The Honourable the Home Member has given you some evidence that Communists are present in this country. He has given you evidence to show that these Communists are carrying on a propaganda of lawlessness. I will supplement that evidence and give you certain facts. Much has been said about Philip Spratt. The House may like to know who this Spratt is. He came to India ostensibly on behalf of the Labour Research

[Mian Muhammad Shah Nawaz.]

Department, London, which, according to Earl Winterton's statement in the House of Commons this year, is under the direct control of the Red International Labour Union. The activities of the Bengal workers and peasants led by Philip Spratt resulted in the prolongation of the East Indian Railway strike at Lillooah which in turn led to the terrible train disaster at Belur where many Indian citizens lost their lives on account of this wanton crime. The activities of Communists like Singaraslu and Mukund Lal brought about the strike on the South Indian Railway and the resultant loss of life and property may be directly attributed to the influence of these Communists. Sir, when you take all these facts together, they afford a conclusive proof in favour of the motion that the Bill may be referred to the Select Committee.

Now, Sir, several objections have been raised against the provisions of this Bill and to the best of my ability I shall endeavour to deal with them. The first objection was raised by the Leader of the Nationalist Party and the Honourable Mr. Jayakar. I have listened carefully to the arguments of Mr. Jayakar because he really makes good speeches and it is a pleasure and a privilege to hear him. But with all due deference to him I do not agree with him when he mistrusts the Government in so far as this legislation is concerned. I do not agree with Lala Lajpat Rai when he says that this legislation is dishonest. We know full well that we have three Indian gentlemen, three distinguished gentlemen of great ability who are Members of the Cabinet of His Excellency the Governor General ; and I take it for granted that they were consulted, and that they have assented to the principles and details of the Bill which is now before the House. Of course several years ago there used to be only one Indian Member on the Viceroy's Executive Council, but now there are three out of a total number of seven, and we must, in the circumstances of the case, trust the honesty of the Government to proceed with this Bill. Sir, I beg to submit that it is the curse of this country that we cannot trust each other. (Hear, hear.) Hindus do not trust the Mussalmans, the Mussalmans do not trust the Hindus.

An Honourable Member : Yes.

Mian Muhammad Shah Nawaz : Do they ? Do the Mussalmans accept the Constitution recently framed at Lucknow to which my learned friend, Mr. Jayakar, and the Honourable Lala Lajpat Rai have signified their assent ? Surely, the majority of Muhammadans have not accepted it. (*An Honourable Member* : " Question.") They can not accept any Constitution which does not safeguard their interests. I say on the floor of this House that the vast majority of Muhammadans have nothing to do with it.

Mr. M. S. Aney : On a point of order, is all this relevant, Sir, to the Bill before us ?

Mian Muhammad Shah Nawaz : It is perfectly relevant if you have eyes to see and heads to understand. Well, Sir, this constitution, as I say, has given rise to grave misgivings. Yes, the Indians do not trust the Government, and the Government do not wish to take certain people into their confidence.

An Honourable Member : Do Government trust us ?

Mian Muhammad Shah Nawaz : They do not trust you, because you desire to obstruct administrative measures and wreck also the reforms. (Hear, hear.)

An Honourable Member : Do they trust you ?

Mian Muhammad Shah Nawaz : They do not trust you because you are men of obstructionist tactics. I will not listen, Sir, to those persons who make personal remarks. They exhibit bad breeding. Well, Sir, I repeat that it is the curse of this country that Communities do not trust each other. Indians do not trust the Government, and the Government do not want to take into confidence people whose business it is in this House to obstruct.....

Mr. U. Tok Kyi (Burma : Non-European) : On a point of order, Sir. Is the Honourable Member entitled to use the phrase " bad breeding " in relation to Members of this House ?

Mr. President : The Honourable Member against whom that language was used invited it. It is, of course, improper.

Mian Muhammad Shah Nawaz : Well, Sir, I say that trust begets trust and mistrust begets mistrust. I do not mean ill to the opposition. I am giving you the simple facts, that Hindus do not trust the Mussalmans and that Mussalmans do not trust the Hindus, and that the constitution framed by the Conference at Lucknow and based on the Nehru Report which was signed by my learned friends, Lala Lajpat Rai and Mr. Jayakar is not acceptable to the Mussalmans as it does not protect the rights and interests of the minorities. (*An Honourable Member* : " Question.") Well, Sir, my friend, Mr. Jayakar, ignores one fact, one simple fact, that this Bill does not apply to Indians, British subjects and the subjects of States in India.

Now, Sir, the European Group of the Assembly representing a section of Britishers in this House, unanimously say that this legislation will not do them harm. I therefore think that it was rather unkind on the part of Lala Lajpat Rai and Mr. Jayakar to say that the Government is guilty of dishonesty to proceed with this extremely important measure of legislation which affects only the foreigners. After all, Sir, we know that action can only be taken under the Bill by the Governor General in Council. You may take it that the Governor General will consult other Members of his Cabinet. Any way, an amendment can be made to this effect. The procedure laid down in the Bill is hedged with great precautions and it can fairly be assumed that the Government of India will take the greatest possible care in the application of the provisions of this Bill and they will be applied only to those persons who are " Comrades " of the Union of Soviet Russia and those who are working for the Moscow cause " of red ruin and the breaking up of law." I can trust the Government, and I am perfectly certain that the Governor General in Council will see that the Government is not brought into conflict with friendly countries, and Members of the British Empire outside India. Another objection raised by the Opposition is that it vests large powers in the Governor General in Council for the deportation of Red agents and other foreign emissaries without a trial in a competent court. I agree that ordinarily an offender should be tried in a court of justice. But, as in the present case, the Government has to face a choice

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between two evils and is compelled to arm themselves with additional powers in order to deal effectively with certain agents and enemies of law and order whose business is to incite the masses to violent revolt, which in my humble opinion will bring ruin on this country. As you know, Sir, the object of the Bill is to send back such agents to the place whence they came from. In short it is a preventive measure. The third objection raised by some members of the Opposition is that the present legislation is entirely unnecessary because offences described therein are punishable under the existing law. With all respect to the opinion of those Members who say so—including Mr. Jayakar—I am of opinion that some of the acts described in the Bill are not covered by any existing legislation. I admit that some of them are. For instance, the offences against the State and His Majesty's Government are undoubtedly punishable under the Penal Code or under some Regulation. But the present Bill deals also with a Communist who preaches that there is no ownership in private property and invites the masses to achieve this object by violent revolt. I submit that such an offence is not covered by any previous enactment of law that I know of. Further, the Bill prohibits general strikes and mass demonstrations with a view to foment industrial and agrarian dispute, involving a penalty of deportation. I submit that such an offence is not covered by any existing law. I will not quarrel with my friends who say that the Bill has a far-reaching effect. Probably it has. But there are some offences provided for in the Bill which undoubtedly are unkown to the existing law. Again it is said that this legislation is not urgent. I have given you the facts. The Communists of Russia want to Sovietise the whole world. This fact cannot be denied. They want to destroy ownership in property ; they want to abolish class distinctions or the division of society into classes. They are aiming at the destruction of the social, economic and political structure of society. I have shown that Russians are prepared for a war. If these facts are taken together, I think the case for the urgency of the Bill is made out

Sir, I feel that nationalism will be undermined if we will permit this demon of Communism to grow and shake the fabric of society. I honestly feel that this monster of Communism should be nipped in the bud in the interest of the peaceful progress and industrial development etc., of this vast land of ours. I feel Sir, that we must stop the activities of the Communists as soon as possible, because if we do not stop them they will retard the national progress of the country and inculcate a spirit of defiance of authority and lawlessness, which, I submit, is the negation of true democratic life and action. I feel, Sir, that action was long overdue and although the seed has been sown we must shut our doors against further contamination. I feel, Sir, that the general strikes in the country on a very large scale are ruining the industries. I am not against strikes when the object is to get higher wages. But the general strikes with a view to paralyse the industries, with a view to paralyse the administration of the country, are certainly harmful to our best interests. I believe, Sir, that the decision of the Government to proceed with this Bill will be received with a sense of relief by the public, and by every right-minded Indian citizen, and I do hope, Sir, that the sense of responsibility of the majority of the Members of this House will permit the Bill to go before the Select Committee and will eventually lead to its passage. Sir, I support the motion of my friend Sir Hari Singh Gour.

Mr. H. G. Cocke : I move that the question be now put. (Several other Honourable Members also moved that the question be put.)

Mr. K. Ahmed : Sir, reference has been made by my Honourable friend Mr. Jamnadas Mehta to the allegation that Mr. M. N. Roy did not write that letter and that there was no signature to support it as genuine. But the Honourable the Home Member has said this :

> "I know that the British Communist Party addressed a reproach to Mr. M. N. Roy on the assumption that he had given ground to Government to take action on a matter of this kind. The answer was that the letter was not written by Mr. M. N. Roy; there may be some measure of literal inaccuracy, but it is true that the letter was written."

Now, Sir, certain answer has been given by my Honourable friend Mr. Jamnadas Mehta who alleged to have received a telegram supposed to have been signed by Mr. M. N. Roy. But, Sir, the question is that of the facsimile of his writing and not, Sir, the signature, the real signature, which my friends are contesting for the last three days, on which a deplorable battle has been fought for the last three days without any end. But, Sir, might I not ask Mr. Jamnadas Mehta this, has he got the hand writing and signature in the telegraphic communication that repudiates the signature in the letter and writing on its body ? How can the argument lie therefore in the mouth of Mr. Jamnadas Mehta to say that he does not accept the letter that was written and circulated ? Since some reference has been made, why should not Mr. M. N. Roy come forward, why does he not write a letter in his own hand now and say that he did not write the body of the letter ?

Yesterday I questioned the genuineness of the letter when I interrupted my Honourable friend, Mr. Jamnadas Mehta, who said that it was not his signature. But what about the remaining part of the letter, the body of the letter ? Was it not in M. N. Roy's handwriting ? Government know of the existence of certain original letters written by M. N. Roy, which are in the possession of the Home Department, and the Government, after comparing the handwriting, found that this letter was written by M. N. Roy. There is a doubt still in the minds of the Opposition party that it was not written by Roy. There have been certain letters circulated, preaching the propaganda of the Bolshevists and Communists in this country. There is no doubt about it, and this is not the only one ground upon which the Government had reason to introduce this Bill. Mr. Jamnadas Mehta probably wants to give liberty and freedom to these Bolshevists and Communists coming to this country, because purses and purses of money have been given out in this country. Mr. Joshi admits that he got money, but do they render any account of how much money they get and how much they spent ? Will the Swaraj Party tell me from the beginning of 1919 up till now how much money they have collected in the way of subscriptions from the country and from the Bolshevists also ?

A Bill of this description is an every day essential in this country. It is absolutely necessary that the poor people in this country, the dumb millions, should be protected. My Honourable friend, Sir Hari Singh Gour, was saying the other day that there have been wreckages of trains, derailments, and only a few miles from Calcutta, somewhere near Belur. So many passengers were killed and injured ; an attempt was made the day before yesterday to wreck a train somewhere in Madras. Two or three months ago in the south of India people have been arrested. That matter is *sub judice*, so I shall not go into it at all.

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Some people have, in connection with the Trade Union and labour, been prosecuted and they have been coming and going from Calcutta to Madras to find lawyers. There has been an organisation in the town of Calcutta, and I have been approached and asked by the people (Cheers) to go and raise subscriptions. Haven't I experience for the last fifteen years ? Have I not seen how they have been carrying on for the last twenty years, how much money they have collected ? Have they rendered an account ?

Mr. President : Order, order, I will ask the Honourable Member to be relevant.

Mr. K. Ahmed : Now, Sir, let us consider about the liberty and freedom that Mr. Mehta wants to give to these foreigners and asks the Communists to come with their purses and distribute money, no account of which is rendered. Then he brought in certain cases of forgeries and so on. Perhaps he has forgotten history. Does he not know that just at the time when the East India Company came into the possession of a portion of Bengal and at the time when Clive had not come, there were forgerers in India like Omichand and Nankumar ? This is recorded in history. Who started the game ? Why do you find fault with the Government in such petty matters ? There is ample evidence that the Communists are trying to get a stronghold in this country. Have you not read the Statement of Objects and Reasons attached to the Bill ? The Honourable the Home Member has placed ample materials before the House to come to the conclusion that the Communists are very active in India. What does the Statement of Objects and Reasons say :

"Evidence has accumulated recently of the subversive intentions and activities of the Communist International generally, and in particular of the efforts it is directing against India. The general policy of the Communist movement is to rouse a spirit of discontent and lawlessness in the masses, whether industrial or agricultural, with the ultimate object of destroying by violence both the Government established by law and the present economic organisation of society and substituting what they describe as the dictatorship of the proletariat. For the promotion of this movement, in India, as in other countries, the Communists depend largely on the work of propagandists who are despatched to the country for the purpose of forming organisations intended to promote and spread Communistic ideas and doctrines, and of creating general unrest among the masses. It is not reasonable that these agents of Communism, if they happen to obtain entrance into India, should be allowed to stay in India with the object of undermining the whole structure of the life of the community. The Bill therefore is designed to provide a power of removing such persons provided that they are not Indian British subjects or subjects of a State in India."

Mr. Jamnadas M. Mehta : Where is the evidence ?

Mr. K. Ahmed : You find it in the Statement of Objects and Reasons. That is what has induced the Government to take action in this matter. My Honourable friend seems to forget the fact that Mr. M. N. Roy's letter was circulated to all the people. You have heard from the Honourable the Home Member and also from Sir Hari Singh Gour as well as from other Honourable Members that the Communist activities are spreading fast in this country and yet if you have any misgiving about this fact, I do not know whether there is any sense in the doubt. (Laughter.) No sensible man would raise any objection to this Bill. (Laughter.)

Now, Sir, I have heard a great deal about the philosophy of Mr. Belvi and another Member on the opposite side. They are all great lovers of politics to-day, but they seem to have forgotten their love of society and their love of orthodoxy. Nobody can believe when my Honourable friends say that in their love of politics, they should abandon all their love for social life and that they should discard all their orthodox habits. Now, Sir, they say that for the sake of politics, they want people from Moscow to come here. They want people from foreign countries to take part in this Communistic activity. Is not, Sir, their heart stronger than their head to-day ? Sir, I heard this morning, when my Honourable friend Mr. Gavin-Jones was speaking, a fight was going on between Indian capitalists and millowners and European capitalists and millowners : my Honourable friends, Mr. Birla and Sir Purshotamdas Thakurdas on the one side, and Mr. Gavin-Jones and Sir Victor Sassoon on the other. I suspected them very much. Why is it that these Indian capitalists have been fighting against the European capitalists ? I ask my Honourable friend Mr. Gavin-Jones to pay adequately to the poor labourer. (Hear, hear.) I ask him to pay higher wages to his labourers but he did not respond. I put the same question to Mr. Birla and Sir Purshotamdas Thakurdas. (Laughter.) Have they paid more salaries or do they agree to pay higher wages to their labourers ? I ask my Honourable friend Mr. Haji whether he would agree to pay to the Indian lascars and the seamen employed by the Scindia Steam Navigation Company higher wages than the British India Steam Navigation Company pay to their labourers ?

Well, Sir, what difference does it make to the masses, to the Indian seamen and the Indian lascars, whether they receive their wages from the hands of the British India Steam Navigation Company or from the hands of the Scindia Steam Navigation Company ? What we want to know is whether they will be able to maintain themselves and pay our labour at a higher rate of wages than what they receive from the European Company. Don't we know the story of the Bengal National Bank ? Don't we know that the Indian capitalists combine among themselves in a conspiracy ? Mr. Haji is either Manager or Secretary of the Scindia Steam Navigation Company. He is therefore an interested person ; but he should have been more interested in labour being a public man at the same time. He has an axe of self interest to grind. However, that is not the subject of the present debate.

Well, Sir, I come to Mr. Bharucha. I suppose he is a nominated Member. I congratulate him on his maiden speech delivered to-day in this Assembly. I take him to be a fine speaker, but unfortunately to my interjections I did not get a single answer from him when I said : "Why don't you go to these millowners and insist that the strikers should be paid at a higher rate than they are paid at present ". I hold that there is every justification for the opposite Benches to come to the rescue of these poor people and compel the millowners to pay them more. I challenge the Government to say why they should not compel these millowners to pay their men better. My friend the Honourable Mr. McWatters making a speech two days ago said that for the past four or five years the Government had been passing legislation to ameliorate the condition of labour, and what else could the Government do ? I ask the Government to bring forward as much legislation as is necessary in this Assembly for the purpose of improving the condition of the masses. Because, Sir, the Government now realise that the difference in the voting, whether the Bill is sent for circulation or referred to a Select Committee, will be probably

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one, two or three votes, not more. I ask the Government to understand that the opinion of the country is against you. If you are not careful, if you do not give a sufficient amount of satisfaction to those who ask for it on behalf of the masses, then they will run amok against you. Sir, Mr. Bharucha would not satisfy me on this point Of course he was not in a position to do so.

I turn now to Mr. Munshi. In a maiden speech the Honourable Member from Burma told us that under the Government of India Act, the Government is not entitled to launch a Bill of this description here. But the Indian Legislature has power under Section 65 to make laws for all persons, for all courts, for all places and for all things within British India. And he wanted to say that because there is a Parliament in England, this Bill should have been brought in there and passed ; he does not realise his position, Sir. He comes from a great distance no doubt. But does he want to degrade the status and position of this House ? We are in no way inferior (Hear, hear and Cheers.) to the House of Commons, because there is nothing to prevent us from putting a law on the Statute-book ; of course there is a provision in the Rules and Standing Orders that where the law prevents, you cannot do so. As for instance if the legislation would be against the British Statute.

Mr. President, I had great pleasure in listening to the speeches of distinguished Members of this Assembly ; many of them are leaders. This Bill provides for the removal from British India of persons not being Indian British subjects or subjects of States in India. No Indian is hurt ; only their friends or those who bring money. Are you going to tell us that for the sake of your bargain the masses should suffer ? Certainly not.

Sir, from the notice of amendments given in to-day's agenda by my friend, Pandit Hirday Nath Kunzru, Mr. Jamnadas Mehta, Mr. M. K. Acharya, Mr. Joshi, Pandit Thakurdas Bhargava and my friend Mr. K. C. Neogy probably, it appears they approve of it going to Select Committee ; otherwise why should they have given notice of such amendments ?

Mr. K. C. Neogy : I never gave any such notice.

Mr. K. Ahmed : Here it is ; all of them want to refer it to Select Committee.

Mr. K. C. Neogy : Not I.

Mr. K. Ahmed : Here it is : Mr. K. C. Neogy wants it to be referred to a Select Committee consisting of such and such Members ; they will be quite satisfied if the Bill is referred to Select Committee.....

Mr. K. C. Neogy : That is another Bill. (Laughter.)

Mr. K. Ahmed : Now, Sir, this shows that my friends are willing to refer it to Select Committee ; of course they may console themselves by clapping their hands now ; but so many leaders and deputy leaders have given notice of this amendment. There is Mr. Srinivasa Iyengar. He did not venture to withdraw his name when his name was mentioned for Select Committee ; he is agreeable now to serve on the Committee. I understand the object of his Party, Sir, in adding to the numbers from their own men on the Committee is not to make any progress with the Bill but to paralyse it. If that is the object, Sir, I am sorry for the treatment you are trying to give. When you have got a losing case, I am sorry that you should take advantage of the situation. Sir, it is not fair. Against the wishes of the people you have stood here and you are taking advantage of the Government and of the dumb millions.

If that is not the motive, then why have you got more persons put in there from your Party than is necessary ? I submit, Sir, that that amendment should not be moved because it will jumble it up with the other main proposition and amendments, that is to say, circulation and Select Committee and the Bill itself.

Now, Sir, this Bill provides for the removal of those persons,—nothing to do with the people of India or the Indian States.

Why should not these people be turned out of this country ? Why
5 P.M. should my friends on the opposite side welcome them here ? Because they want bags of money from Moscow ? These Communists, Sir, supply funds, they send money, to help labour in this country and to preach Communist doctrines to Mr. Joshi. (Laughter.) Has my friend Mr. Joshi asked his strike committee to render an account of the money they have received from Moscow recently ? Now, Sir, the object of the Communists is to rouse a spirit of discontent and lawlessness in the masses.....

Mr. President : I think this ought to be enough. May I suggest to the Honourable Member to bring his remarks to a close ?

Mr. K. Ahmed : Yes, Sir. Now, Sir, my friend Sir Hari Singh Gour has already quoted from books how dangerous it would be to allow the Communist agents to come and carry on their propaganda in this country. Then the Honourable the Home Member alluded to the Moplah outrages in Malabar. The House knows that Hindus were converted forcibly, and that Hindu temples were desecrated. (*An Honourable Member* : "Do you know it for a fact ?" That is what the Honourable the Home Member said then. We are also aware of the numerous revolutionary movements which have occurred in the country during the last few years. Now, Sir, I ask my friends on the opposite Benches, has Swaraj come out of all these revolutionary movements ? Would it come within a day or within a month or within a year by such means ? Well, Sir, promises were made that Swaraj would come within a year, and all those promises have proved utterly false. These promises have disappointed the people of this country.

Then, Sir, my friend Sir Victor Sassoon made a reference to China and the arrival of Bolshevik agents there, and he said that those agents were turned out of the country. I also gathered from the speech of my Honourable friend Nawab Sir Sahibzada Adbul Qaiyum that near about his place, on the borders of the Frontier, he found ample evidence about the existence of Communist agents and of their activities. He has got first hand information and the House must be very grateful to him for supplying that information to us. He said that these Communists are an awful lot, and if they are allowed to come to this country they will shoot, kill and cripple the people, they will destroy all and cut off the leaves of the trees, and eat them up like locusts ; they will plunder the country, and remove idols from the temples and so forth. All that is clear from the reports that we have heard about these Communists. What is the use of denying all that ? Then, Sir, My Honourable friend

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Sir Denys Bray rightly said in the course of his beautiful speech that it is absolutely necessary to protect Islam and Hinduism and to improve the condition of all, the middle classes as well as the labouring classes. No doubt, Sir, religion will be at stake, big buildings will be destroyed, money will be taken away, there will be destruction of the existing social structure and the historical beauty of the country will be lost. The whole fabric.....

Mr. President : Perhaps the Honourable Member has not understood me. There are other Honourable Members to follow, and I have decided to finish this debate to-night.

Mr. K. Ahmed : Yes, Sir, I will finish just now.

Mr. Birla has made a statement that 22 per cent. profit was made in connection with certain business the other day in the Indian coastal shipping trade by the European companies. Well, Sir, I do not know how far they will be out of pocket if the capitalists from Bombay, Ahmedabad, Calcutta, Cawnpore and other places come forward with the biggest capital and are able to start a business like this. That is the reason of the quarrel between these two capitalists.

Mr. President : Thank you.

(The Honourable Member was standing while Mr. President also was standing, and there were cries of " Order, order " from the House.)

Mr. K. Ahmed : Now, Sir, I will bring my remarks to a close.

Mr. President : One minute more, Mr. Kabeer-ud-Din Ahmed.

Mr. K. Ahmed : I will take Honourable Members of this Assembly for a minute to Bengal. What has been done there within the course of last month ? There, Sir, the great benefactors of the masses have been doing this. 97 per cent. of the population of Bengal are tenants and peasants, and, Sir, there was a Bengal Tenancy Bill in the Bengal Legislative Council passed only last week. Sir, almost all the amendments of the Bill which have been passed are in favour of the landlords and the rumour is they have taken a lakh of rupees from the Zamindars. They ground the country thus, and that is the position of our so-called friends and benefactors of the masses. Is there any Bengal M. L. A. here in this Assembly who can tell me that the fact is not correct ? (*An Honourable Member* : " Absolutely correct ".)

I shall now bring my remarks to a close. I submit, Sir, that the Bill should be referred to a Select Committee and not circulated. There may be some connection between the Safety Bill under discussion and the *Muslim Outlook's* glacier which burst with a shattering roar on Shyveok Distributory, Karrakoran Valley, on the border of Tibet and Kashmere. The glacier is blocking this tributory of the Indus. Millions and millions of gallons of water are supposed to have been pent up, 30 ft. deep and 9 miles broad. This will not burst and the Bill will run its smooth course. I urge, Sir, that the Bill should be referred to a Select Committee and passed.

(Several Honourable Members moved that the question be put.)

Mr. M. K. Acharya (South Arcot *cum* Chingleput : Non-Muhammadan Rural) : Sir, I am very thankful to you for permitting me to say a few words before recording my vote. I may perhaps begin by moving the amendment that stands in my name.....

Mr. President : The Honourable Member has not given notice of any amendment.

Mr. M. K. Acharya : There is one here in my name, Sir.

Mr. President : The Honourable Member wants to move a substantive motion that the Bill be referred to a Select Committee consising of so-and-so. He is not entitled to do so. It is only the Member in charge of a Bill who can do it.

Mr. M. K. Acharya : Then, Sir, I will content myself with making my position clear. I am unfortunately unable to subscribe wholly to the contentions put forth whether on this side or on that. Of course, I have listened, as the House doubtless has listened, to some very excellent speeches. We have had the genial showers, interspersed with thunder and lightning as usual, of my genial friend Mr. Ranga Iyer. We have had the heavy downpour of Lala Lajpat Rai ; we have had the very fast airy flights from Moscow to Madras of Mr. Srinivasa Iyengar ; and we have had also from the opposite side the fiery indignant blaze of Sir Denys Bray. Despite the flood and fire, thunder and lightning and airy flights of these Honourable gentlemen, I did try my best to remain on solid earth, and tried rather hard to find out exactly on what side the more weighty arguments lay. I was very glad to hear the great champions of liberty and freedom coming out at least this week. I thought the Goddess of Liberty had gone to sleep last Saturday. I am glad she has woke up this week. The champions of liberty have been loud in claiming that not a single hair on the head of a single man of any country whatsoever shall be touched. They have been loud in championing the liberties of the people of other countries. How I wish, Sir, that a tithe of this same zeal for liberty, for freedom, had been evinced in dealing with the many unfortunate men like myself who have conscientious scruples and want to follow their religious tenets in their own way ! How I wish that these great champions of liberty would permit their own countrymen the liberty to perform their own religious rites as they understand them ! Lala Lajpat Rai was in great horror of this penal law. Against whom ? Against a few foreigners ! But he has no objection to invite this bureaucratic Government—I believe he said this dishonest Government—to invite them to pass a penal law not against foreigners, but against his own unhappy countrymen who think that their religion enjoins on them to marry their girls before a certain age. To that penal law against their own countrymen these champions of liberty have no objection ; while to this penal law against foreigners, to the Bill under discussion, which seeks to exclude from India a few foreigners of doubtful character, they have great objection ! I am sorry they are so palpably inconsistent. When they enthusiastically advocate a penal law against their own countrymen, and at the same time come out with strong denunciations against a measure which seeks to interfere with the freedom and liberty of a few foreigners—when these great intellectual giants do this, I must confess I am confused. I do not think they are serious. I do not believe that they are serious when they say that freedom of conscience, freedom of action, freedom of speech, freedom of association must be granted to all foreigners but not to poor, unfortunate Indians, especially if these happen to belong to the orthodox section. Sir, this faked-up championship of foreign liberties does not appeal to me It does not touch my heart.

On the other hand, I have got my difficulties with the other side. As I said, I am going to remain on solid earth ; I am not going to dally with

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heighty-flighty idealistic principles. My chief difficulty with the other side —of course, it has been said many times,—is that the Government have been accustomed to use these special powers in a manner which has lost them our confidence. They have abused their powers in the past ; and therefore we are naturally unwilling to entrust them with new powers. A very singular incident happened to myself just as I got out of the train at Simla a few days ago, and went up to the place which had been arranged for me by a friend of mine At that time some policeman in ordinary clothes or whoever else he was, was dogging my heels. My friend noticed it, and said that somebody was dogging my heels. I stopped in half a dozen places to see whether the man was really dogging me. The man halted every time too, and truly was coming behind me. I wondered whether some female champions of freedom—for I was told they were very busy at Simla to catch men, mean trying to catch votes for Mr. Sarda's Bill—whether these over-zealous ladies were trying to find out where I was going to stay ; or whether really some C. I. D. man was dogging my heels. He was, if a C..I. D. agent, probably looking out for some bearded man who was in the bad books of the C. I. D. and perhaps he took me to be the man he had been looking for. I hope he found out his mistake at last and went away. But if this had happened to me at Delhi or Calcutta or some other place where I was changing trains I do not know what would have happened to me. I might probably have been arrested. I might have had a blank order of internment or deportation served on me by the C. I. D man mistaking me all the time for somebody else. This shows how badly these powers have been used in the past. The Honourable the Home Member knows nothing of these matters ; it is all the work of underlings ; but unfortunately Government has to take the responsibility and justify everything done. There is one other tragic instance I my relate. It relates to a Bengali called Kiran Chunder Mukerjee. He had been externed for five years and was released only on the 1st of September. I met him on the 1st accidentally at Waltair, on the railway platform, as he was getting into the same train by which I was travelling. He was introduced to me by somebody as a Bengali externee. I asked him what he had been guilty of ; but he could not tell me. He said he was never told what exactly he was guilty of. I asked him, " Did you know the late Mr. Das ". He said he knew him only by name. I asked him whether he knew Subhas Chunder Bose. He said " Only by name." I asked him, " Do you know Bepin Chandra Pal ?" The answer again was " Only by name ". I asked him whether he had been engaged in any political work before he was externed. He said " No ". Then I asked for and he gave me his address : it was " Satyasram "—in some place in Bengal I looked at it and exclaimed : " I see now ; verily you are a dangerous man if you are in charge of a Satyasram ; for Satya —truth— is very dangerous in this world of ours. Nothing more dangerous than that ! How often have I come to grief for speaking the bare truth and for acting according to the dictates of truth." Now, my conclusion, Sir, is that he was probably externed from Bengal for five years having been mistaken for some other man who was perhaps the real culprit. All the same this poor man had to rot for five years. Judging from past experiences, therefore, we are right in saying that we cannot give these extraordinary powers to the Government ; and on this one ground I would reject the Bill summarily.

But there is one small difficulty which I would point out in this connection. Suppose, Sir, you were living, or rather our millionaire friend Mr. Birla were living in a big mansion with many doors and windows opening outside. He employs half a dozen watchmen to guard the house at night. One day the watchmen come and say, let us suppose, " We fear there are mischief-mongers busy about here. We want some more weapons. We want one more gun and some more ammunition to guard the house properly." Let us suppose that Mr. Birla says, " No. You must guard the house with the weapons you have got ". Then the watchmen say, " We shall do our best ; but if anything wrong happens, we shall not be responsible." Then what in all probability they will do is—if they are not very honest folk—if they are as dishonest as this Government is said to be—perhaps this : they will themselves leave a door half open that night, and let in the thieves ; and next morning they will come before Mr. Birla and say, " We told you yesterday, but you did not allow us any extra ammunition." Now let us apply this analogy to this Government demand ;—let them be as wicked as you like ; yet they are the present *de facto* guardians of the safety of this land. I have no particularly kind words to say about them ; but all the same, they are the *de facto* Government ; and until my friend, Mr. Jamnadas Mehta, becomes the Commerce Member of the Government of India, and my friend Mr. Srinivasa Iyengar becomes the Law Member, or Lala Lajpat Rai the Home Member, or my friend Mr. Joshi becomes the Industries and Labour Member,—until then these gentlemen happen to be the *de facto* Government who have to be held responsible, whether they like it or not, for the safety and the peace of this land.

An Honourable Member : To whom ?

Mr. M. K. Acharya : To us ! They are not yet responsible ; well, that is our quarrel. But that apart, I repeat, they are the *de facto* Government ; and until they are replaced—and I would be very glad when they are replaced, the sooner the better it would be of course—but until they are driven out, they are the guardians of this land. And so this difficulty comes up. Supposing they say "We apprehend danger from the Communists, we want some special powers "; and we throw out their demand. Then what will happen ? If they be really very dishonest people, as they are declared to be, they themselves will allow some Bolsheviks to come in, and great trouble will then arise, and great loss of property and life ; then if we ask them what be the cause of all this trouble, they will say : " We told you in Simla last September that trouble was brewing ; and we asked you to give us special powers ; but you said there was no such fear of trouble and you declined to give us any powers to prevent what we foresaw, what can we do ? Now there is the trouble." In other words, they will throw the whole blame on us. This, Sir, is the only consideration which makes me pause for a moment before I say emphatically, "We shall have nothing to do with this Bill". I would like to throw the whole responsibility on the Government. If I were asked, I would let them have this Bill for only one year ; tell them that they must come up again at the end of the year to give an account of how this law has been worked. Then if we found that they had not worked this Bill properly, we should decline to renew it. It is said that Government may use Regulation III of 1818 against these foreign Communists. It is strange that this suggestion comes from the people who have been persistently asking for the repeal of Regulation III. We have been and still are strongly opposed to using Regulation III against this man or

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that man, Indian or non-Indian. We should not ask Government to use it against any one at all ; if we do so ask, that would give the Government a handle to say, " Well, you yourself asked us to use the weapon !"

My view strongly is that that Regulation III must go immediately,—and this Bill must be passed for only one year. Meantime Government should take steps to bring a comprehensive Bill to deal with all exceptional cases. I hold that Regulation III is no proper piece of legislation ; it is ' a lawless law,' and no legislation enacted by any free legislature I repeat, this Bill must be passed for only one year and must further be hedged in by proper safeguards.

But these are matters which should be considered by the Select Committee ; whether this should be passed for one year ; whether before dealing with any man, the man's case should not be put up before two or three Judges or two or three Members of this House, and whether only upon their recommendation should not the man be declared to be a dangerous man,—things of that kind are for the Select Committee ; and I myself have given notice of amendments of this kind. These are matters however which ought to go to the Select Committee. Of course if we are really and unconditionally strongly against this measure, we must throw it out ; but if we think the Bill can be allowed for a year or so with certain amendments, it should be sent to the Select Committee. Either of these two courses I can understand ; but I cannot understand the amendment seeking to circulate the Bill for public opinion. Public opinion cannot tell us whether there is any Bolshevik plot being hatched against India or not. It can only say that some phrase or clause is too wide or inconsistent here or some impractical there and so on. But the Members of the Select Committee must be able to find out these things. Again, if Government are willing to take any non-official Members into their confidence, then from the papers which Government must show to them, they may be able to say whether there is really good reason to believe that there are any Communist plots actually being hatched against India. But if this House and the Government cannot come to any such understanding, I fail to perceive how public opinion will make us any the wiser on the need for this Bill. The Select Committee ought to be able to decide how this Bill should be mended in its details. Then we shall be able to say whether the Bill should be rejected ; and then we may finally say that this is either wanted or not wanted. Therefore, Sir, I am in this peculiar position. I am unable to agree completely with all that has been said on this side or with all that has been said on the other side. In that very unhappy position I thank you for permitting me to point out the difficulty in which I am placed. I hope that my good friends,—the good friends who have been trying to bring pressure to bear upon me—will, consistently with their principles of freedom of conscience and liberty of thought, allow me the freedom of voting as my humble judgment tells me with regard to this question.

Pandit Madan Mohan Malaviya (Allahabad and Jhansi Divisions : Non-Muhammadan Rural) : Sir, I am entirely opposed to Communistic doctrines. I consider that the principles of Communism are opposed to truth : they are opposed to justice : they are opposed to religion. I consider that they will not succeed in the end, though they may win a momentary triumph, because they are opposed to the laws of nature.

Until Communists can discover some method by which they will distribute talent equally among all mankind : until they can find out some method by which they can invest every man with the same capacity for hard work, industry and skill which others possess, Communism is an absurdity. It may flourish for a time, but it is bound to die in the course of time. I recognize the evil that Communism will import into this country and I would use every legitimate endeavour to keep it out of the country. I think the sense of this House also, or at least of the bulk of the Assembly, has made it abundantly clear that they do not want to encourage Communistic ideas to spread or Communistic principles to be carried out in this country. I would be opposed to Communistic principles being preached in this country at any time ; but I am much more opposed to their being introduced at this juncture when we are on the eve of a great change. A Commission has been appointed in order to report to Parliament what changes shall be introduced. The Peoples' Party in the country have on their own side agreed to a constitution which, in spite of the evil prognostications and to some extent the misrepresentations of Mr. Shah Nawaz, has been accepted by the bulk of Muslim public opinion and by the bulk of the Hindu community. If my friend had said that there are some Mussalman gentlemen who have not accepted the constitution adopted at Lucknow, I would have had no quarrel with him. But he cannot overlook facts, the hard facts, that a number of very respectable and representative Mussalman gentlemen took part in the Conference at Lucknow and put their seals to the resolutions arrived at there.

(At this stage numerous interruptions were made by Mr. Shah Nawaz and other Members.)

Mr. President : Order, order.

Pandit Madan Mohan Malaviya : Sir, I hope to live to see the great bulk of the Muslim population of this country support the conclusions of the All-Parties Conference. But I will leave it at that here ; we shall discuss it at some other time. I have no quarrel with any Member who says that there is a body of Mussalman opinion which has not subscribed to those conclusions. But for my friend Mr. Shah Nawaz to say that the entire Mussalman opinion is opposed to it is not correct, as he will readily admit. Now, Sir, I submit that when the Nehru Committee has submitted a report and has prepared a constitution which, after the deliberations at the Lucknow Conference, has been accepted by the bulk of the Indian public opinion : when we are preparing to carry on a great nation-wide agitation to see that that Committee's report and that Conference's resolutions are accepted *in toto* by the Parliament of England : when we expect two years' hence to see the transference of power, not the overthrow of the Government, from persons now ruling in this country to the representatives of the people elected by them : when we are preparing to carry on an agitation all over the land to see that every man and woman expresses his or her adherence to those resolutions and makes his or her contribution to the result we desire ; when we want all that, I do not want that the difficult path of our work should be impeded by new obstacles created by men who come from outside to preach Communistic doctrines in India. The time has come when every iota of our energy, when every particle of our thought has to be devoted to establish to the satisfaction of every reasonable man that India shall not be happy if it does not get full responsible Government in 1930. We have got that great task before

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us. To some it may sound a wild proposition. I hope to live to see i realised. For that reason I am most anxious that no outsiders, n foreigners, possessed by those Communistic ideas should come into thi country and stand in the way of our work. Particularly for that reaso I want that every legitimate effort should be made to keep out these men We also know that our country is in a very unfortunate position. In dustrially it is in the most regrettable position and the fault of it doe not lie upon the people or upon the Bolsheviks or Communists who hav come here. We have heard of Communists coming only during the las two years ; we have heard how one of them was imprisoned because h travelled under a false passport and how two of them were unable t make any impression. We can afford to let them stand alone, we ca afford to leave them alone ; but we have to provide against these doctrine being preached among our people by our own men. What is the bes way to do it ? The Government say they want to shut out a few Britisher from coming into India. You have read the answer which the Moscov Conference has given. My friend Mr. Neogy read a portion of the repor of that Conference and somebody demanded that he should read the rest I will read the rest. The Communists have said :

"It was necessary to give up the idea of the European playing a direct part i any Indian Revolution or of any useful work by an Anglo-Indian Communist Party because Indians mistrusted whites even if Communists. The Communist Interna tional must therefore handle the new independent Indian Communist Party throug natives."

And they go on to say :

"The agents had apparently hitherto not realised that India is not an industria but primarily an agricultural country. Therefore it was possible to overthrow Britis dominion only by stirring up the Indian countryside; Indian revolution must be a agrarian revolution and one of the most immediate tasks is the 'mobilisation of th Indian peasants'."

That is the work which they have cut out for themselves. We may ignor the factory men that they might approach ; what is the number o factory men ? That does not count when compared to the vast mass o the agricultural community. The Communists will direct their efforts as they say, if they can do so, if we shall not be able to put our head together and to adopt the right means to stop those efforts, they wil work among Indian agriculturists through Indian brains, Indian tongue and Indian hands. That is the problem that is before us ; but let m say that the revolution that you are so much afraid of will be brough about not by the cleverness or the capacity of these Communists but b the failure of the Indian Government to rise to the occasion, to do wha the occasion demands. A great writer has said that 'a revolution i ultimately never the fault of the people, but of the injustice and incapacit of the government', and I say that if a revolution takes places in peacefu India, which follows the ancient religions which teach us not to shed a drop of blood where it can be prevented, if a revolution does take plac in India, it will be the fault of the British Government, of the injustic and incapacity of the British Government. How have these Communist been able to find any place in India to work in ? What is it that gav rise to these strikes ? Can anybody having any regard for truth say tha these strikes were started by these Communists ? Can anybody forge the action of this Government in passing that cursed Act by which the 18

ratio was established in India ? Can anybody forget the amount of misery that it has inflicted upon the people ? You talk of strikes. Did not Sir Basil Blackett appearing before the Currency Commission predict that there would be strikes in India if you depreciated the rupee, as they intended to do ? Did not Sir Purshotamdas Thakurdas predict that there would be strikes in India, if you gave a 12½ per cent. advantage to the foreigners to compete with Indian industrialists ? Did not other people predict that that would be one of the results ? Whom can you blame for the present situation when you yourself gave an advantage of 12½ per cent. to foreigners to compete with the industrialists in this country ? You are surprised that there should be strikes ? It is very, very sad—it is incomprehensible—that you should really be so. The agriculturists are losing 30 to 40 crores every year as the result of that cursed legislation. Let anybody deny that if he dare to and if the agriculturists are put in that horrible position in which the value of all their silver possessions has been so unjustly lowered, so ruthlessly cut down, who is to blame if there is unrest among them, the Communists or the Government of India ? It is the Government of India who will be responsible before God and man for any revolution that will be brought about in this country. You talk about the strikes, about the unrest that has been going on. There have been some strikes, but they have not been as many as might have been expected. I do not love strikes, I hate them, I do not want any of these industrial matters to be fought out on that basis. I want them to be settled by arbitration and mutual fairness. Whenever there has been an opportunity for me to do so, I have always endeavoured to help to settle such disputes amicably. But I submit that it is wrong and unjust, it is unreasonable and unsound to say that these strikes have been the result, the appreciable result, of Communistic teachings. It is you, the Government, who created the situation and then they came in. They were out for it and seized the opportunity and tried to bamboozle some of our workers. I grant that they have helped to delay the settlement. I did not meet any of them—the British Communists—when I visited Bombay, although I was asked to do so because I wanted the trouble to be settled between our own industrialists and labourers. I admit that the presence of some of these Communists has had the result of prolonging the agony of the strikes. But the main reason is patent to any man who cares to see with his eyes. The main reason is that you passed legislation by which it has become impossible for the industrialist in this country to compete with the foreigner. What is the result ? So many Bombay mills have been closed down for so many months, and yet the mills that are working in India do not find a market for their goods. Ask Sir Victor Sassoon to deny that, ask Mr. Birla to deny that. They will not, they can not. The stocks are there, but there are no purchasers to be found. And how has that happened ? The Bombay mills are so large in number, I think they number 120 ? No. 86, and these 86 mills have been closed for about 5 months, and yet the few other mills that have been working have been unable to find purchasers. What is that due to ? It is due to the fact that the agriculturists constitute 80 per cent. of the purchasers. They have been deprived of the power to do so, they have been robbed of their money by you, and left starving and poor. That is the result of the legislation adopted by this Government by the miserable majority of 3. It was not right that Government should have created such a situation.

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It is due to that that Communism will grow in India. Communistic doctrines have been in circulation for a long time. I am not given to swearing, but you can take my word for it that I have not the faintest sympathy with these doctrines. I do not like their spread in this country. But they will spread, they have spread and are spreading. They will spread even if this legislation is passed. The Government will not be able to stop their spreading. The only thing that will stop the spreading of Communistic doctrines in this country is the doing of justice to the people of India. Deal with the people of India as you deal with your fellowmen, of your own race. You have failed to do justice to Indians. You have had a long innings, you have been tried and found wanting. Transfer the power which you enjoy to the hands which can reasonably, naturally and rightly be expected to promote the interests both of the labourer and the capitalist. What is the evidence that we can give to support this demand? Look at the Nehru report. What does it say? It provides that the interest of the labourer and the peasant shall be duly safeguarded, that there shall be legislation to promote their interests, to see that they should get proper wages, that their welfare should be properly looked after. That is one of the cardinal points in the constitution adopted by us. The same clause says that the fixity and permanence of tenure shall be secured to them. At the same time there is a fourth clause which says that the rights and titles to private property are hereby guaranteed. That is the constitution which we have framed to safeguard and to promote the interests of all classes of the people. But the Government have failed to bring about happy relations between labourers and capitalists. They have failed to improve the condition of the agriculturists to the extent they should have done. I have told you what my attitude is towards Communism. But there is one aspect of Communism which is part of my religion and that is that I desire from the bottom of my heart to see the condition of the agriculturists improved. I think the condition of the agriculturists in the greater part of the country is a matter for shame to the Government which has ruled over this country for such a long time. I think the conditions of the labourers also should be much improved in most places in India. I have visited several industrial centres in India, I have visited several places where a large number of workers is daily working in mills or factories, and I regret to say that the condition of the workers is in many places pitiable and requires much improving. The Indian millowners are not such a bad lot as they have been represented to be. They are human, they are patriotic, some of them are shortsighted, but all of them are not. In several places much has been done to improve the condition of labour. I have seen the Tatas' works at Jamshedpur and I have also seen several other mills which I will not mention here. I have seen what good arrangements have been made in those mills for the welfare of the labourers. I do not say that I am quite satisfied with them. I want something more to be done. I want that every labourer should have the chance, should have the opportunity to rise to the full height of the stature which God has implanted in him. He should have his proper share of the amenities of life. That is the right way to improve the lot of labourers in this country. We have framed a constitution, we have pointed out the way in which we desire to improve the lot of our labourers and peasants. Let the Government tread along the path emphasised by us with a view satisfactorily to improve the lot of the poor people and thereby stop the growth of Communism in this country. This plant of Communism which you say has already been implanted in this country cannot be stopped by the proposed legislation. No, Sir, it cannot be. I therefore ask the Government to consider what is the right course for it to adopt. We are willing to help the Government in checking the spread of Communism. So far as this side of the House is concerned, I say that it has sufficiently indicated that it does not want to encourage the spread of Communism or Communistic doctrines in this country. The great objection to this Bill is, in the first place, that it is unnecessary and, in the second place, that it is objectionable. It is open to grave objection in the first place because its scope is very wide, more extensive than it should be, and in the second place because it violates the very first principle of justice, of the right of a man to defend himself, in that it refuses to a man the fundamental liberty of defending himself against any action that may be brought against him. Those are the two most important objections to the Bill, which require to be considered. My Honourable friend Sir Bhupendra Nath Mitra was wrong when he said that he pleaded for the principle of the Bill and so also was my Honourable friend Mr. Fazal Ibrahim Rahimtullah. They both forget that the principle of the Bill is not that the Bolshevists or the Communists shall be kept out of India. That is its object. The principle of the Bill is that a man shall be told to remove himself from the country by a mere executive order, without trial, without being given an opportunity to defend himself against the charges brought against him. That is what has entered like steel in the hearts of those who sit on this side of the House. We are not friends of Communists, we are friends of liberty. We are defenders of the rights of all human beings. We plead that if any of our fellowmen is considered dangerous to this country and if the Government think that he should leave the country, let him at least have an opportunity to have his say on the matter. I do not say you are wicked. You are human. You are liable to err as all of us are. You have erred in the past and that is the justification why some of us, your critics, say that you should not be entrusted with this further extraordinary power. We recognise that so long as you are governing the country you must have some power to deal with a menacing situation. We are willing to give you the power to send such a man out of the country in a judicial way. But what is the power you want? You want power to ask a man who belongs to a Communistic body to leave the country by a mere executive order, without giving him an opportunity of saying a word in his defence. You want that power and we are unwilling to give you that power. Why should you insist that you should have the power to proceed against a man in the manner suggested in your Bill? Why will you not let that man have notice of the charges brought against him and give him an opportunity to defend himself? What will you lose by allowing him such an opportunity? According to your own statement, there has been Communistic propaganda going on in this country for the last two years. You have waited so long. You have not taken action against the Communists. Why can you not brook a little further delay in asking the man to remove himself from this country? What evil consequences would follow if you allow an opportunity to the man whom you want to quit the country, to put in his defence before a court of law? I have told you that they would not have had this Bombay strike if it

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were not for the very ugly legislation which you passed. I have told you that but for that the Communists would probably not have had any chance of coming and creating trouble in Bombay. But you want those men to be deported without giving them an opportunity to be heard. This is what we object to.

The Honourable Sir George Rainy who always makes the most conciliatory of speeches tried his best to put the best aspect he could upon your proposals ; and I do not think it was his fault that he failed to do so. Sir George Rainy urged that Communist doctrines are dangerous. I agree. I grant it. We are at once with him there He urged that the Government should be entrusted with power to keep out Communists or to send them out. I agree. But when he came to deal with the most vital issue of all, he said, " You want Government to place the evidence that it has before you ; Government cannot do so " He said that if the evidence were sufficient to justify a prosecution the Government would resort to prosecution. That is quite right. But he said there may be cases where though the evidence is not sufficient to justify prosecution in a court of law, yet the Government may be morally satisfied that the man is an undesirable man and should be removed Well, is there no legal way in which you can deal with such a man ? In 1908 the Government passed a special legislation ; we did not like it, but, it passed it as special legislation. That was Act XIV of 1908. In that Act it was provided that in certain cases which were mentioned in the Schedule, there should be a trial before three Judges of the High Court, constituting a special tribunal. Can you not sufficiently trust three Judges of the High Court to put your case before them and to give the accused an opportunity to be defended before them by his lawyer ? You took that course in 1908. This is 1928. During these 20 years have you grown wiser, or do you want to show that you have grown worse ? Why can you not resort to the procedure provided in that Act ? Why should not an opportunity be given to these men, the advocates of Communist ideas, to defend themselves ? We are not partisans of these men. We are not men who wish to encourage them but we want to deal fairly by them as we should hope to be dealt with fairly by others. We are all human. You are human, we are human they are human. We are likely to err sometimes. Therefore we want to give every accused person an opportunity to have himself defended. I want to know from the Honourable the Home Member, and I want to know from other Honourable Members on the Government Benches, what earthly objection they can have to the course I suggest ? Is it that it will cause delay ? The proceedings will be short. There will not be three trials but one trial. Is it that you do not want the proceedings to be made public ? Well, you can have the proceedings *in camera* if you like You can put all these matters before a Select Committee when the principle of the Bill has been agreed to ; but so long as we do not agree to the principle of the Bill, it is not right to ask us to support the motion for a Select Committee. A Select Committee is a Select Committee. This is the second reading stage in which the principle of the measure must be discussed and settled. That principle at present is that a man shall not be given an opportunity to defend himself and that he shall be deported without a trial. That is the principle of the Bill. Can anybody deny that it is so ? That is the principle of the Bill and you want this House to commit itself to that principle. Never can I commit myself to

that principle. We have protested against the exercise of exceptional powers by the executive time and again. We recognise that there may be occasions, as my Honourable friend Pandit Motilal Nehru said, there may be occasions such as in a time of war or in other exceptional circumstances, when exceptional powers may be given to the executive Government for a short time. We admit that there may be such occasions, but we are not satisfied that this is such an occasion. We are not satisfied why is it necessary that the Government should not give these men a hearing, why should it not place these men before three High Court Judges and have the evidence against them sifted by them.

Much has been made of the letter of Mr. M. N. Roy. I cannot take it upon myself to say whether that was a genuine letter or not. But there is that telegram which was read out by Mr. Jamnadas Mehta to-day which has to be taken into account. In the face of that telegram it is not safe to say that Mr. Roy was the writer of that letter. He may or may not be. I do not say any more about it. My point is this : the Honourable the Home Member said that there were initials in the body of the letter and those initials were found to correspond with those which were in the handwriting of M. N. Roy. Do we not know of cases in which Judges have held that to convict a man upon a mere similarity of handwriting is a most dangerous procedure ? Do we not remember that notorious case in France in which a man was wrongly convicted on the ground of similarity of handwriting and was eventually acquitted ? Do we not remember the Parnell letters and all that sort of thing ? I submit that it is unsafe to convict a man merely on a comparison of some initials made on a piece of paper. I have said before that we are at one with the Government in desiring, and willing to give Government every assistance, legitimate and lawful assistance, to shut out the kind of Communistic activities indicated in clause 2 (*a*) of the Bill. I am not for penalising every expression of opinion, even in favour of Communism. The principle of Communism is very wide. You have had in your own history the Peasants' Revolt. You remember the cry then raised—" When Adam delved and Eve span, who was then a gentleman ? "

You have had these principles taught, inculcated and discussed in every country. Where there is suffering, where there is a great deal of oppression, these principles are bound to rise up in the hearts of people. Your wisdom lies in not fighting against them like fighting against a dead wall. You have to see what the justice of the situation demands and to meet the claims of the people, and thereby to prevent these obnoxious growths from spreading. My remarks are confined to what section 2 (*a*) of the Bill says :

> " Whoever directly or indirectly advocates the overthrow by force or violence of the government established by law in British India, or the abolition of all forms of law or organized government, whether in British India or elsewhere, or the assassination of public officials."

To this extent I am with the Government—that we should arm the Government with a reasonable power to shut out such men. The rest of the clause about the promotion of enmity or hatred between different classes of His Majesty's subjects ought to be deleted, and provision should be made to give a man an opportunity for defence.

I have said, Sir, that the proposed legislation was unnecessary. Let me explain. As my friend, Mr. Jayakar, and other speakers have pointed out, we have got the existing Penal Code to help you. Not only that. But there are the passport regulations to which the Honourable Sir George

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Rainy referred. You can shut a man out by your passport regulations, and I suppose you do so whenever you can. It is only when you fail to do so, and when such a man comes into India, that you want power to deal with him. You have that power. Give him notice and an opportunity to defend himself and to put his case before three Judges ; and if the verdict goes against him, ask him to leave. You do not want to have a special law for that. The ordinary law permits you to try the man, to put him on his trial. If a case is proved against him, you may instead of keeping him in jail tell him that by the leave of the court, he has the option of leaving this country, and let him go out clean. The existing law does give you an opportunity of dealing with him in this manner.

Then I said the extent of the Bill is too wide. I have heard in this debate less said about the evils which are apprehended from the preaching of the doctrine of Communism, and of advocating the overthrow by force or violence of the government established by law in India, and more about the evil influence that these Communists have produced upon labourers. My friend, Mr. Gavin-Jones, talked of the unrest which he noticed in Cawnpore and of what he saw in Calcutta, Lillooah and other places. I submit that it is a wrong thing to connect the two in this manner. You surely do not want to shut out by this legislation discussions which are calculated to improve the conditions of labour. You have gone too far in the Bill. As it stands now it will prevent a great deal of agitation which is meant and directed to improve the welfare of the labouring classes or the agriculturists. The clause 2 (*b*) should certainly not find a place in this Bill. I cannot see any reason why it should. You have to deal with industrial and agrarian disputes by proper measures, by the right kind and type of measure ; a measure which would bring in arbitration and a spirit of fairness on both sides to help both capitalists and labourers. Sir, I deplore industrial strikes in this country. Unfortunately we have been made an infant nation in industry. Other people who are well established can well afford to compete with us and break us down. At this juncture to foment trouble or to create disputes between the labourers and capitalists would mean a great disservice to the country. There must be proper measures adopted to prevent this, and I submit that when the Government will think of adopting proper measures and will find time to do so, these strikes will become a thing of the past, and certainly even men from outside will not be able to do us much harm. I submit, therefore, that the Government should review their position. In the first place, this measure is extremely objectionable because its principle is obnoxious, and therefore if they cannot see their way to agree to the principle we have pleaded for, they ought to withdraw the measure. If they feel that there is necessity for a special measure to enable them to deal more swiftly and shortly with the kind of cases contemplated in 2 (*a*), let them draft a proper Bill with proper safeguards, limited to its proper scope, and bring it before the Assembly. If they say the matter cannot brook delay, and if they want to proceed with this Bill just now, let them agree to modify the principle of the Bill, here and now, and let them agree that an accused person shall be given an opportunity to have his case heard by a special Tribunal of three High Court Judges with the right to be defended by a lawyer. I venture to say that the House will agree to this principle. I make this offer to the Government. I am certain that if the Government will agree to the principle that there should be opportunity for defence given to a man, however humble he may be,—you give an opportunity for defence to a murderer, you give an opportunity for defence to a man who has set fire to a large *mohalla*, you give an opportunity for defence to every kind of criminal—why should you not give it to the persons you have in view ? If you will agree to this, the strongest objection to this measure will vanish. Why should you refuse an opportunity to a man to defend himself and to prove that he has not directly or indirectly advocated the overthrow by force of the government established in India ? He is after all a political criminal. Why will you not give him an opportunity to defend himself ? I ask the Government to answer. If they can make up their minds even now to agree to the principle that there shall be provision made in this Bill for defence, that will remove one of the great difficulties in our path, and if they will also agree to limit its scope, certainly our way to support the Bill will be clear. When I talked to my friend Sir Victor Sassoon and expressed my willingness to agree to the proposal that the Bill should go to a Select Committee, I mentioned to him some of the vital points I have stated now, and I particularly said that I could not agree to the Executive Government being given power to remove a man without giving him an opportunity to defend himself. I was told that in the Select Committee the question of a review being provided for might be considered. As I said then, I repeat it now. If you have a man condemned by an executive order, and then give him a chance of having his case reviewed, you have prejudiced his case, and you have not given him a fair chance to defend himself. Give him a chance in the first instance. You will then take greater care to see that you do not touch a wrong man. If you will take care to catch the right man, you will probably be able to succeed in every one of the cases that you will put forward, so that the danger of Communism will be shut out, and the injustice of dealing with a fellow-man without giving him an opportunity to defend himself will also be shut out.

The Honourable Mr. J. Crerar (Home Member) : Mr. President, this has been a very prolonged and exhaustive debate, and I have listened with the utmost interest to the speeches which have been made. But the debate has been so prolonged and so exhaustive that it is impossible for me at this late hour of the day to attempt to deal with it in any great detail. If I attempted to do so I should trespass too much upon the indulgence of the House. I therefore propose to limit myself to the most important of the points which have emerged during the course of the debate. In spite of the very close examination which has been given, both to the justification which I alleged for this Bill and to its provisions, and in spite also of the great eloquence of denunciation which has been expended upon it, I still contend that the essentials of my main position have not yet been controverted. Indeed, I frankly admit that in the speeches of many Honourable Members opposite, including the eloquent speech which we have just heard from Pandit Madan Mohan Malaviya, a great deal of the ground on which I base my case has been substantially admitted. (Applause.)

6 P. M.

Now, Sir, I venture to recapitulate very briefly what the fundamental basis of my case is. It is this. There is in being a very powerful propagandist organisation which proposes to itself certain aims and objects which are not only incompatible with, but destructive to, the continuance of the social organisation of India on its present, or on any healthy and salutary, basis. I say that organisation is in being. It has devised

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certain methods and expedients which I have already explained to the House and which I do not propose to recapitulate again in detail. Thirdly, that organisation and its agencies are at work in India preparing, practising and propagating the doctrines and pursuing the activities which are directed towards the end which I have explained. That position, I say, Sir, has not in any particular been shaken by the arguments of Honourable Members opposite, and so long as that position remains unshaken, I venture to say that the House should reflect very carefully before, on considerations of what in relation to the main proposition are comparatively subsidiary matters, they refuse to give their assent to this measure. Well, Sir, my contention is that if the conditions to which I referred more fully in my opening speech do exist and I contend that they do—the next question is, what measures should be taken to deal with them. Perhaps, the first question is whether any measure should be taken to deal with them, but I venture to say that the answer to the question must very obviously be in the affirmative. The question then is, what kind of measure should be taken to deal with these dangers and their graver potentialities. I have been told that the existing law should be employed. I have received suggestions—I might almost say encouragement—from Honourable Members opposite to resort to measures which have been for many years past exposed to vehement denunciation from Honourable Members sitting on those Benches. However that may be, my main answer to that argument is simply this, that those laws which are already on the Statute-book are inadequate to assist us in carrying out the object which is proposed in this Bill. The object proposed in the Bill is to remove from the Indian polity and society certain dangerous and disturbing elements and not retain them in its midst. And that is the most essential, the most important, and the most cogent argument in favour of this particular measure. (Cheers.)

Pandit Madan Mohan Malaviya : Cannot they be removed after conviction ?

The Honourable Mr. J. Crerar : It has been argued that powers of summary removal do not exist in the legislation of other States or countries, and indeed, I think the Honourable and learned Leader of the Opposition in his exposition to the House of the powers exercisable by the Secretary of State in England conveyed the impression at least it conveyed to me the impression—that the Secretary of State in England has powers only to deport—I admit, of course, that it is only power to deport aliens. I understood the Honourable and learned Pandit to contend that the Secretary of State had only powers to deport in certain cases in which the persons concerned had been convicted either by an English or by a foreign court. Now, the Honourable and learned Pandit correctly recited two of the categories of persons against whom the Secretary of State can take action. He omitted a third category and it is this. The Secretary of State may make an expulsion order, firstly, and secondly, as correctly expounded by the Honourable and learned Pandit but thirdly, if he deems it to be conducive to the public good to make deportation order against an alien, the order may be made subject to any condition. As regards this particular category of persons against whom the Secretary of State is empowered to take action, the following has been held by a court of law, the Court of King's Bench :—

"As regards (3), in acting under the article, the Secretary of State is not a judicial but is an executive officer and is therefore not bound to hold an inquiry or give the person against whom he proposes to make a deportation order the opportunity of being heard. The matter is one for the judgment and discretion of the Secretary of State and not for the decision of the tribunals. It is however desirable that the order should state that the Home Secretary deems it to be conducive to the public good to make the order."

That, I think, puts a different interpretation upon the law, but I freely admit that it is by no means conclusive as far as my own contention is concerned. It no doubt relates to aliens, and the Bill whose consideration I have moved for undoubtedly deals with other categories of persons. The point I wish to establish is that the English law does provide for powers of a much more summary character than have so far been represented to this House. I may also add another parallel which is likely to be of value, namely, that by the law of the Australian Commonwealth similar powers are given to the executive to expel persons, who need not be aliens, engaged in activities of the same general character as those laid down in the present Bill.

It has further been objected that all the ingredients of the present Bill are already contained in the criminal law and that therefore the present Bill is superfluous. That entirely misses the whole point of my proposal. The object of this Bill is mainly of a preventive character. It is to prevent certain activities and to take measures against the evil results which those activities might produce. Now, the Indian Penal Code is a punitive measure. It can only be put in force after the crime has been committed. I want not only to prevent the commission of crimes but to raise obstacles against the activities which are likely to lead to the commission of crimes on a large scale and to general disorder. Secondly, I urge that that objection really indicates a misconception of the purposes and objects of the Bill. I regret very much that one Honourable Member charged us with dishonesty in promoting this measure. My reply to that is this. If Government after forming the appreciation of the position and of the condition of affairs which they have laid before the House as a justification for this measure had taken no action and had not sought the powers they now seek from this House, then they might more truly have been charged with dishonesty. The Honourable Pandit Madan Mohan Malaviya, in the speech which I have already described, and I have no doubt the House will agree with me in this, as an extremely able and eloquent one, seemed to me in a very candid and lucid way to admit most of the premises on which the justification for this Bill is based. Indeed I should have supposed that the arguments which the Honourable Pandit urged with his usual vehemence and warmth led him to support the motion for the reference of this Bill to a Select Committee. The distinction which he drew was in my opinion, if I may venture to say so, not a sound one. In order to establish the position that he was not in favour of a reference to the Select Committee he alleged that the real principle of this Bill was the absence of trial. Now, Sir, that is not so. The principle of this Bill is deportation for being engaged in certain classes of activities. That is the principle.

Pandit Madan Mohan Malaviya : That is the object of the Bill.

The Honourable Mr. J. Crerar : I shall be perfectly ready to consider in Select Committee some of the objections which have been raised against

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the Bill if a motion for reference to the Select Committee is passed by the House.

Well, Sir, I do not propose to detain the House at any length. I have only one or two comments to make on the general position.

Pandit Madan Mohan Malaviya : Do I understand the Honourable the Home Member to say that he agrees to the principle of giving accused persons an opportunity of being tried ? If the House does not agree to that, how can the Select Committee accept that principle ? it would be beyond its power.

The Honourable Mr. J. Crerar : I do not want to leave any misconception in the matter. What I said was that I was prepared to consider some of the objections that have been raised to the Bill in the Select Committee and I hope I may be able to accept proposals which are within the scope and objects of the Bill and which are compatible with its efficacy.

Pandit Madan Mohan Malaviya : I am sure that the Honourable Member will see that a vague statement like that cannot solve this problem which is before the House. Does the Honourable Member speaking on behalf of the Government agree that the Bill shall embody provisions to ensure the right of defence before a proper tribunal to the person who may be accused ? That is the question I ask.

The Honourable Mr. J. Crerar : No, Sir, I am not prepared to admit that. The Honourable Member spoke of a trial by a tribunal of three High Court Judges. Sir, a trial of that kind would not be compatible with the object and purposes of this Bill, (Hear, hear) and I do not want to lay myself open to any charge of misconception on that point. I was about to observe that the Honourable and learned gentleman from Bombay, Mr. Jayakar, said that he would be prepared to grant these powers to a Swaraj Government. There is no doubt a very important reservation made in that statement ; but there are also inherent in it two or three important admissions. The first is that there is a justification for a measure of this kind, and the second is that the character of the expedients proposed in this Bill are such as, in the hypothesis stated, the Honourable Member would be prepared to concede. (Applause.) That is two-thirds at any rate of my case, Sir. (Applause.)

In conclusion, Mr. President.....

Sir Purshotamdas Thakurdas : I do not want to interrupt the Honourable Member, but I should like the Honourable Member to make clear the intentions of Government regarding Indians engaged in the spread of Communism. That is one of the points which were raised by me.

The Honourable Mr. J. Crerar : With regard to the point raised by Sir Purshotamdas Thakurdas, I can only say this that Government are observing the position very closely and that they will take such action as they consider necessary.

An Honourable Member : That is right. The cat is out of the bag.

The Honourable Mr. J. Crerar : In conclusion, I have only this to say to the House. The Government in this country is made responsible for more things than I think any Government in any other country. It is made responsible for every evil that occurs it is expected to do a great deal more not merely in the generally accepted spheres of Government administration but in almost every department of the life of the people, than Governments in other countries are expected to do. But the position which I have attempted to place before the House is one in which it is manifest that Government, even if these powers be granted to them, cannot be successful alone : it is eminently a case in which, if we are to be successful in expelling from India and keeping out from India these dangerous and destructive elements, there ought to be collaboration and co-operation by every citizen of the country, and I strongly urge by this Legislature also. (Loud Applause.)

Mr. C. Duraiswamy Aiyangar : May I ask the Honourable Member one simple question ? In his opening speech he made much about the first item in the programme of the Communists, being a demolition of religion and culture, and as he made much of it, may I ask the Honourable the Home Member whether in this Bill which he has placed before this House or in the Statement of Objects and Reasons there is a single provision made against those Communists who may come here and make the first item in their programme the demolition of religion and culture ? Are you going to leave them alone until they begin the assassination of public officials, or will you deport them the moment they begin the work of destruction of our religion and culture, Hindu and Islamic ?

The Honourable Mr. J. Crerar: I understand the Honourable Member to suggest that the Bill is not sufficiently comprehensive. If that is his view, I should be perfectly prepared to consider any suggestions in the Select Committee. (Loud Applause. Ironical cheers from some Members on non-official Benches.)

Mr. President : The original motion was :

"That the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India be taken into consideration."

Since which the following two amendments have been moved :

1. "That the Bill be referred to a Select Committee consisting of Mr. Fazal Ibrahim Rahimtulla, Sir Victor Sassoon, Nawab Sir Zulfiqar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover, with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

2. "That the Bill be circulated for the purpose of eliciting opinions thereon.

The question is :

"That that last amendment be made."

The Assembly divided :

(While the Division was proceeding.)

Mr. President : Order, order. Does the Honourable Member from Burma wish to vote ?

U. Hla Tun Pru (Burma : Non-European) : No, Sir.

Mr. President : No Honourable Member should go near and harass him.

(After a few more minutes.)

Mr. President : Order, order. The Honourable Member from Burma should be left alone.

AYES—59.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Badi-uz-Zaman, Maulvi.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ganshyam Das.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Munshi, Mr. J. K.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Purshotamdas Thakurdas, Sir.
Ranga Iyer, Mr. C. S.
Roy, Mr. Bhabendra Chandra.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Ramanjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar.
Tok Kyi, U.
Yusuf Imam, Mr.

NOES—63.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Acharya, Mr. M. K.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Saiyid.
Bajpai, Mr. G. S.
Bharucha, Mr. S. M.
Bhuto, Mr. W. W. Illahibaksh.
Bower, Mr E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, The Revd J. C.
Coatman, Mr. J.
Cocke, Mr H. G.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Jowahir Singh, Sardar Bahadur Sardar.
Kikabhai Premchand, Mr.
King, Mr. C. M.
Lamb, Mr. W. S.
McWatters, The Honourable Mr. A. C.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Moore, Mr. Arthur.
Muhammad Nawaz Khan, Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rafique, Mr. Muhammad.
Raghavayya Pantulu Garu, Diwan Bahadur T.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Bakhsh Shah, Khan Bahadur Makhdum Syed.
Rau, Mr. H. Shankar.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Mr. S. N.
Roy, Rai Bahadur Tarit Bhusan.
Sassoon, Sir Victor.
Shah Nawaz, Mian Mohammad.
Shamaldhari Lall, Mr.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stewart, Mr. J. A.
Suhrawardy, Dr. A.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. President : The first amendment was :

"That the Bill be referred to a Select Committee consisting of Mr. Fazal Ibrahim Rahimtulla, Sir Victor Sassoon, Nawab Sir Zulfiqar Ali Khan, Mr. S. Srinivasa Iyengar, the Honourable the Home Member and the Mover, with instructions to report within three days, and that the number of members whose presence shall be necessary to constitute a meeting of the Committee shall be four."

Since which the following amendment has been moved :

"That the name of Mr. Amar Nath Dutt be added to the Committee."

The question I have to put is that that amendment be made.

The Assembly divided :

AYES—33.

Abdul Matin Chaudhury, Maulvi.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Haji, Mr. Sarabhai Nemchand.
Hla Tun Pru, U.
Iswar Saran, Munshi.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lamb, Mr. W. S.
Mehta, Mr. Jamnadas M.
Mitra, Mr. Satyendra Chandra.
Munshi, Mr. J. K.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Rafique, Mr. Muhammad.
Rahimtulla, Mr. Fazal Ibrahim.
Roy, Mr. Bhabendra Chandra.
Roy, Mr. K. C.
Roy, Rai Bahadur Tarit Bhusan.
Sassoon, Sir Victor.
Shervani, Mr. T. A. K.
Sinha, Mr. Siddheswar.
Tok Kyi, U.

NOES—3.

Ghuznavi, Mr. A. H.
Suhrawardy, Dr. A.
Yamin Khan, Mr. Muhammad.

The motion was adopted.

Mr. President : The question I have to put is :

"That the name of Maulvi Muhammad Shafee be added to the names of the Select Committee proposed by Sir Hari Singh Gour."

Maulvi Muhammad Shafee : I beg to withdraw my name from the Select Committee.

Mr. President : Is it not now too late for the Honourable Member to withdraw his name ?

[Mr. President.]

The question is :

"That the name of Maulvi Muhammad Shafee be added to the names of the Select Committee proposed by Sir Hari Singh Gour."

The Assembly divided :

AYES—27.

Abdul Matin Chaudhury, Maulvi.
Aiyangar, Mr. C. Duraiswamy.
Ayyangar, Mr. M. S. Sesha.
Badi-uz-Zaman, Maulvi.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Haji, Mr. Sarabhai Nemchand.
Iswar Saran, Munshi.
Iyengar, Mr. S. Srinivasa.
Jogiah, Mr. Varahagiri Venkata.
Kartar Singh, Sardar.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. Satyendra Chandra.
Muhammad Nawaz Khan, Sardar.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Rafique, Mr. Muhammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Sinha, Kumar Ganganand.
Sinha, Mr. Siddheswar.
Tok Kyi, U.
Yusuf Imam, Mr.

NOES—55.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bharucha, Mr. S. M.
Bhuto, Mr. W. W. Illahibaksh.
Bower, Mr. E. H. M.
Chalmers, Mr. T. A.
Chatterjee, The Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Hla Tun Pru, U.
Jowahir Singh, Sardar Bahadur Sardar.
Kikabhai Premchand, Mr.
King, Mr. C. M.
Lamb, Mr. W. S.
McWatters, The Honourable Mr. A. C.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Raghavayya Pantulu Garu, Diwan Bahadur T.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rau, Mr. H. Shankar.
Rogers, Mr. P. G.
Roy, Mr. S. N.
Roy, Rai Bahadur Tarit Bhusan.
Sassoon, Sir Victor.
Shah Nawaz, Mian Mohammad.
Shamaldhari Lall, Mr.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stewart, Mr. J. A.
Suhrawardy, Dr. A.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

The motion was negatived.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, I beg to withdraw my name from the proposed Select Committee. As the Government does not agree to the names of members of my party, as it is unrepresentative, I must respectfully decline to serve on an unrepresentative committee.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : I also beg, Sir, to decline to serve on a Committee where they will not take men from our party.

Mr. President : The Chair is not concerned with the reasons why Honourable Members do not wish to serve on the Select Committee ; but it is very inconvenient to the Chair as well as to the House if Honourable Members allow their names to be put on the Select Committee and then withdraw at the last moment.

Mr. S. Srinivasa Iyengar : I am sorry, Sir ; but the circumstances of this case are very peculiar.

Mr. Jamnadas M. Mehta : Have not Honourable Members the right to resign ?

Mr. President : The procedure adopted by them is very inconvenient to the Chair and the House. They should not have agreed to serve on the Committee.

Mr. S. Srinivasa Iyengar : I am sorry, Sir.

Mr. Amar Nath Dutt : I am really very sorry, Sir, that we have put the Chair in such a position ; but at the same time I may be permitted to observe that I never thought the Treasury Benches would be so unchivalrous as not to take men from our Party.

Mr. President : Kumar Ganganand Sinha, may I put your name ?

Kumar Ganganand Sinha (Bhagalpur, Purnea and the Sonthal Parganas : Non-Muhammadan) : No, Sir.

Mr. President : Mr. Nirmal Chunder Chunder.

Mr. Nirmal Chunder Chunder (Calcutta : Non-Muhammadan Urban) : No, Sir.

Mr. President : Mr. Rajivaranjan Prasad Sinha. Does the Honourable Member wish to serve ?

Mr. Rajivaranjan Prasad Sinha (Patna *cum* Shahabad : Non-Muhammadan) : I was never asked to serve on the Select Committee. I do not know how my name appears there.

Mr. President : The Chair regrets that Honourable Members put down names on the list of Select Committees without consulting the Honourable Members concerned. What explanation has Mr. Srish Chandra Dutta to give for including the name of this Honourable gentleman without consulting him ?

Mr. K. Ahmed : Because he is a Swarajist, Sir.

Mr. Srish Chandra Dutta : I was given to understand, Sir, that he would be willing to serve on the Select Committee because other members of the Party were also there.

Mr. Rajivaranjan Prasad Sinha : I do not belong to any party group in the House.

Mr. President : Did the Honourable Member consult the Member concerned whether he would serve on the Select Committee ?

Mr. Srish Chandra Dutta : I did not consult him directly, Sir.

Mr. C. Duraiswami Aiyangar : On a point of order, Sir. I wish to ask whether there is any rule or Standing Order which compels us to consult previously the Members whom we put on the Select Committee.

Mr. President : There have been several rulings from the Chair that no Honourable Members should be included in the list of the Select Committee who have not agreed to serve on the Select Committee.

The question I have to put is :

"That the Bill be referred to a Select Committee consisting of Mr. Fazal Ibrahim Rahimtulla, Sir Victor Sassoon, Nawab Sir Zulfikar Ali Khan, the Honourable the Home Member and the Mover with instructions to report within three days, and that the number of persons whose presence shall be necessary to constitute a meeting of the Committee shall be four."

The Assembly divided :

AYES—62.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Sayid.
Bajpai, Mr. G. S.
Bharucha, Mr. S. M.
Bhuto, Mr. W. W. Illahibaksh.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, The Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Hla Tun Pru, U.
Jowahir Singh, Sardar Bahadur Sardar.
Kikabhai Premchand, Mr.
King, Mr. C. M.
Lamb, Mr. W. S.
McWatters, The Honourable Mr. A. C.
Mitra, The Honourable Sir Bhupendra Nath.
Mohammad Ismail Khan, Haji Chaudhury.
Muhammad Nawaz Khan, Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rafique, Mr. Muhammad.
Raghavayya Pantulu Garu, Diwan Bahadur T.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
Rau, Mr. H. Shankar.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Mr. S. N.
Roy, Rai Bahadur Tarit Bhusan.
Sassoon, Sir Victor.
Shah Nawaz, Mian Mohammad.
Shamaldhari Lall, Mr.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stewart, Mr. J. A.
Suhrawardy, Dr. A.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—59.

Abdoola Haroon, Haji.
Abdul Matin Chaudhury, Maulvi.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Badi-uz Zaman, Maulvi.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Birla, Mr. Ghanshyam Das.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. Nirmal Chunder.
Das, Mr. B.
Das, Pandit Nilakantha.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. Varahagiri Venkata.
Joshi, Mr. N. M.
Kartar Singh, Sardar.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. Satyendra Chandra.
Moonje, Dr. B. S.
Munshi, Mr. J. K.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Purshotamdas Thakurdas, Sir.
Ranga Iyer, Mr. C. S.
Roy, Mr. Bhabendra Chandra.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Ramanjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar.
Tok Kyi, U.
Yusuf Imam, Mr.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Monday, the 17th September, 1928.

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11 OCT 1928
MADRAS GOVT.

Monday, 17th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

†551*.

Moslems in the Clerical Staff employed in the Offices of the Port Commissioners, Chittagong.

552. *Mr. Anwar-ul-Azim : Will Government be pleased to state what is the total clerical cadre in the office of the Chairman, Chittagong Port Trust, and how many of them are Moslems ? Do Government propose to direct that no future vacancy is offered to anybody else, till the Moslem representation reaches at least 45 per cent. of the whole cadre in that office ?

The Honourable Sir George Rainy : The total clerical cadre of the offices of the Port Commissioners, Chittagong, is 23 of which 6 posts are held by Muslims. Government are informed that while the Port Commissioners consider that increased efficiency in the work of the port should be their first aim, they have already decided that, in order to bring the proportion of Muslims in their ministerial staff up to one-third of the total cadre, preference will, other things being equal, be given to qualified Muslim candidates for vacancies, except those filled by promotion from the permanent staff, until the above limit is reached. Government do not propose to take any action.

Insanitary Room allotted to the Military Despatch Section of the Central Forms Store.

553. *Mr. Anwar-ul-Azim : Will Government be pleased to state whether it is a fact that the military despatch section of the Central Forms Store is located in a low, damp, dark and highly insanitary room formerly used as a stable by Messrs. Hurd Cook and Company and whether one record supplier (Nur Bakhsh) working in that section died of phthisis? If so, do Government propose to remove the section to a well ventilated sanitary room ?

The Honourable Mr. A. C. McWatters : Government are informed that the room in queston is not dark, damp or insanitary. They have no information regarding the cause of Nur Bakhsh's death and there is no ground for supposing that it was in any way connected with his working in the Military despatch section of the Central Forms Store. The last part of the question does no arise.

†For this question, see at the end of starred questions for the day.

APPOINTMENT OF AN OFFICER OF THE INDIAN CIVIL SERVICE AS CONTROLLER OF PRINTING AND STATIONERY.

554. ***Mr. Anwar-ul-Azim** : Do Government propose to appoint a member of the Indian Civil Service as the Controller of Printing and Stationery for the more efficient administration of the Department ? If not, why not ?

The Honourable Mr. A. C. McWatters : There is no vacancy and Government are satisfied with the administration of the present Controller ; the question therefore does not arise.

†555*.

NUMBER OF ASSISTANT SECRETARIES IN THE GOVERNMENT OF INDIA SECRETARIAT.

556. ***Maulvi Muhammad Yakub** : Will Government be pleased to state the total number of Assistant Secretaries employed in the Government of India Secretariat, and how many of them are Europeans, Hindus, Sikhs and Muslims, respectively ?

The Honourable Mr. J. Crerar : The total number, including officers holding corresponding posts in the Railway Board and in the office of the Financial Adviser, Military Finance, is 26. Of these 6 are Europeans, 11 are Hindus, 1 is a Sikh and 2 are Muhammadans. In addition 3 Hindus are officiating.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS AND ASSISTANTS IN THE COMMERCE DEPARTMENT.

557. ***Maulvi Muhammad Yakub** . Will Government be pleased to state :

(*i*) the total number of Superintendents and Assistants employed in the Department of Commerce and how many of them are Muslims ?

(*ii*) how many permanent and temporary appointments of Superintendents and Assistants have been made in the Commerce Department since 1st January 1926 and how many of them have been filled by Muslims ?

The Honourable Sir George Rainy : (*i*) There are 3 Superintendents and 18 Assistants employed in the Commerce Department. One Assistant is a Muslim.

(*ii*) The following appointments have been made since 1st January 1926 : in the grade of Superintendent one permanent appointment and in the grade of Assistant two permanent appointments and one temporary appointment. None has been filled by a Muslim.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS AND ASSISTANTS IN THE COMMERCE DEPARTMENT.

558. ***Maulvi Muhammad Yakub** : Will Government be pleased to state if it is a fact that the Muslim community has a poor representation

†Mr. Anwar-ul-Azim did not wish to put this question.

in the Superintendents' and Assistants' grades in the Commerce Department ? If so, do Government propose to take steps to check the preponderance of other communities and appoint Muslims to the next vacancies ?

The Honourable Sir George Rainy : Information regarding the number of Muslims in the Superintendents' and Assistants' grades in the Department of Commerce has been furnished in the reply just given by me to question No. 557. Of the permanent and temporary vacancies which have occured in these grades since 1st January 1926, all have been filled by the appointment of officers already in Government service. In the case of fresh recruitment, the claims of the Muhammadan community will be considered.

APPOINTMENT OF MUSLIMS AS SUPERINTENDENTS AND ASSISTANTS IN THE DEPARTMENT OF EDUCATION, HEALTH AND LANDS.

559. ***Maulvi Muhammad Yakub** : Will Government be pleased to state :

(*i*) the total number of Superintendents and Assistants employed in the Department of Education, Health and Lands, on 1st January 1928 ?

(*ii*) the number of Muslim Superintendents and Assistants as they stood on the 1st January 1926 and 1st January 1928, respectively ?

(*iii*) whether it is a fact that the number of Muslim Assistants has considerably decreased since 1926 ? If so, do Government propose to make up the deficiency by appointing qualified Muslims as Assistants in the vacancies falling vacant in the future ?

Mr. G. S. Bajpai : I lay on the table, Sir, a statement giving the information asked for by the Honourable Member :

(*i*) *1st January 1928*—

Superintendents	5
Assistants	31
Clerks	45

(*ii*) *1st January 1926*—

Muslim Superintendents	*Nil.*
" Assistants	9
" Clerks	14

1st January 1928—

Muslim Superintendents	*Nil.*
" Assistants	7
" Clerks	12

(*iii*) There has been a decrease of only two Muslim Assistants and two clerks since 1926 owing to the transfer of two Assistants to service under the Punjab Government and of two clerks to the Office of the Inspector General of Forests, Dehra Dun. Future vacancies will be

filled either by departmental promotion which will continue to be regulated by merit, or by fresh recruitment in accordance with the policy of Government which already provides for the adoption of measures to ensure the representation in due proportion of the various communities.

REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE RAILWAY BOARD.

560. ***Maulvi Muhammad Yakub** : Will Government be pleased to place on the table a statement showing the number of Superintendents and Assistants employed in the Railway Board according to the various communities ? Is it a fact that the Muslim community has not been given proper representation in these grades ? If so, what steps do Government propose to take in the matter ?

Mr. A. A. L. Parsons : A statement showing the position is laid on the table. Promotion to these grades is made by selection.

Statement showing the number of Superintendents and Assistants employed in the Railway Board according to various communities.

	Superintendents	Assistants
Hindus	2	18
Muslims	..	3
Europeans and Anglo-Indians	3	6
Indian Christians ..	1	1
Sikh	..	1

RETIREMENT OF THE RIGHT HONOURABLE SRINIVASA SASTRI, P.C., FROM SOUTH AFRICA.

561. ***Mr. Gaya Prasad Singh** : (*a*) Will Government kindly state when the Right Honourable Srinivasa Sastri is going to retire from South Africa ?

(*b*) In view of his conspicuous success, do Government propose to request him to stay on in South Africa for another term ?

(*c*) In case of his inability to do so, whom do Government propose to appoint as his successor ?

Mr. G. S. Bajpai : (*a*) Mr. Sastri has expressed a desire to be relieved of his duties in South Africa as early in 1929 as may be practicable.

(*b*) The Government of India asked him to prolong his stay in South Africa, but he has expressed his inability to do so.

(*c*) The matter is under consideration.

APPEALS OF GOVERNMENT SERVANTS.

562. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to say if under the present rules governing appeals, Government servants are debarred from submitting reminders to the officers to whom the appeals are addressed ?

(*b*) Is it a fact that the Postmaster-General, Bombay, has recently directed the appellants not to send in or address reminders to the appellate authority ?

(*c*) If so, do they propose to take steps to have such directions withdrawn ?

The Honourable Mr. A. C. McWatters : (*a*) No.

(*b*) and (*c*). Government understand that such orders were in force for some time but have since been cancelled.

RECRUITMENT OF THE CLERICAL CADRE OF THE GENERAL POST OFFICE, BOMBAY.

563. ***Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) The number of clerks—men and women—recruited in the clerical cadre in Bombay General Post Office since January 1927, who had passed neither the Matriculation nor School Leaving Certificate examinations nor any higher examination ?

(*b*) Whether the Director-General has restricted the recruitment in the Post Office to the Revenue Divisions and the adjoining Revenue Divisions in the case of Bombay and Calcutta ?

(*c*) Whether one of the non-qualified recruits is a native of the Punjab ?

(*d*) Whether a register of approved candidates is maintained in the Bombay General Post Office ?

(*e*) If the reply to (*d*) above is in the affirmative what is the number on the register and the number of graduates, undergraduates and matriculates on the register ?

Mr. P. G. Rogers : (*a*) Four men and two women.

(*b*) Yes.

(*c*) Yes.

(*d*) No.

(*e*) Does not arise.

LOW RATES OF KIT CONVEYANCE ALLOWANCE SANCTIONED FOR POSTAL OFFICIALS WORKING ON TRANSFER AT BARODA.

564. ***Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state :

(*i*) the present rates of kit conveyance allowance granted to the Post Office officials working at Baroda on transfer ;

(*ii*) similar rates that are sanctioned for Anand, Broach, Ahmedabad and Nadiad ?

(*b*) Whether it is a fact that the Bombay Presidency Postal and R. M. S. Association has protested against the low rates of kit conveyance allowance sanctioned for Baroda ?

(*c*) If so, do Government propose to revise them early ?

The Honourable Mr. A. C. McWatters : (*a*) (*i*) and (*ii*). One anna per maund per mile, in both cases.

(*b*) No such representation is traceable though representations were received from other bodies at a time when the rates were different.

(*c*) Does not arise.

RESTRICTION OF RECRUITMENT IN THE POSTAL DEPARTMENT IN THE PRESIDENCY TOWN OF BOMBAY TO THE ADJOINING REVENUE DIVISIONS.

565. ***Mr. N. M. Joshi :** (*a*) Is it a fact that the Director-General Posts and Telegraphs, has issued instructions restricting recruitment in the Postal Department in the Presidency Town of Bombay to the adjoining Revenue Divisions ?

(*b*) Is it a fact as a result of this, inhabitants of the nearest Districts such as Poona, Nasik, Ahmednagar are ineligible, whereas those from far-off Districts such as Ahmedabad, Kaira, Belgaum, Dharwar and Karwar are eligible ?

(*c*) If so, do Government propose to modify the orders so as to allow recruitment in Bombay from any part of the Bombay Presidency ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Yes.

(*c*) The matter is already under the consideration of the Director General.

NUMBER OF OFFICIALS IN THE GENERAL POST OFFICE, BOMBAY, ON THE SUPERANNUATION LIST.

566 ***Mr. N. M. Joshi :** (*a*) Will Government be pleased to state the number of officials in the Bombay General Post Office on the superannuation list (*i*) in the selection grades (*ii*) in the time-scale ?

(*b*) Is it a fact that the extensions to officials in the selection grade is causing greater stagnation in the time-scale ?

(*c*) Is it a fact that the officials on extension of service have further been given acting or permanent promotions to higher non-gazetted or gazetted appointments ?

(*d*) How do Government propose to remedy this grievance of the staff ?

The Honourable Mr. A. C. McWatters : (*a*) It is understood that by the term "superannuation list" the Honourable Member means list of officials between the ages of 55 and 60. There are 10 such officials in the selection grade and 3 in the time-scale. Such officials must not however be regarded as "superannuated" since the rule relating to ministerial servants is that they should ordinarily be retained in service up to the age of 60 years if they continue efficient.

(*b*) In view of the explanation just given, the expression "extensions" as applied to continuance in service after the age of 55 is misleading ; and the effect of retaining such officials in the service up to the age of 60, in accordance with the ordinary rule, cannot be regarded as causing stagnation.

(*c*) and (*d*). In view of the explanation given, these questions do not arise.

HOUSE-RENT ALLOWANCES SANCTIONED FOR SUB-POSTMASTERS OF OFFICES CONVERTED INTO SELECTION GRADE SUB-OFFICES.

567. ***Mr. N. M. Joshi :** (*a*) Will the Government be pleased to state if the house-rent allowance normally sanctioned for a selection grade sub-postmaster in Bombay, who is not provided with free quarters, is Rs. 25 ?

(*b*) Is it a fact that house-rent allowances sanctioned for the sub-postmasters of offices recently converted into selection grade sub-offices still remain the same as when they were time-scale offices ?

(*c*) If so, do Government propose to revise the same ?

Mr. P. G. Rogers : (*a*) No. The allowances vary from Rs. 18 to Rs. 40.

(*b*) Chinch Bunder town sub-office in Bombay is the only office which has recently been converted into a selection grade office and in which the house rent allowance for the sub-postmaster has not yet been revised.

(*c*) The matter is under consideration.

INVESTIGATING INSPECTORS IN THE OFFICE OF THE POSTMASTER GENERAL, BOMBAY.

568. ***Mr. N. M. Joshi :** (*a*) Will the Government be pleased to state whether it is a fact that an appointment of Investigating Inspector to the Postmaster-General's office in Bombay has been filled up by an official of the Postmaster-General's office ?

(*b*) Is it a fact that the second appointment of Investigating Inspector has also been filled up in an officiating capacity, by an official of the Postmaster-General's office ?

(*c*) Is it not directly against the reply given by Mr. Sams to question No. 86 put by Mr. N. C. Kelkar in the last session ?

(*d*) Is it a fact that the Bombay Presidency Postal and R. M. S. Association has passed a resolution at the Satara Conference in June 1928, protesting against these appointments ?

(*e*) If so, will Government be pleased to state what action is being taken to set the matters right ?

Mr. P. G. Rogers : (*a*) and (*b*). Yes.

(*c*) No ; as no clerk who had passed the qualifying examination was available.

(*d*) Yes.

(*e*) In view of the reply to part (*c*) of this question, Government do not consider any action necessary.

DEPARTMENTAL TEST FOR CANDIDATES BEFORE EMPLOYMENT IN THE POST OFFICE IN BOMBAY.

569. ***Mr. N. M. Joshi :** Will the Government be pleased to state :

(*a*) Whether it is a fact that until recently qualified men and even graduates were subjected to a departmental test in

dictation, etc., before employment in the Post Office in Bombay ?

(*b*) Whether the non-qualified men, if any, entertained since January 1927, and confirmed as reserve clerks were subjected to the test mentioned above ?

(*c*) Whether any such recruits mentioned in (*b*) belong to the depressed or backward community ?

(*d*) If the answer to (*c*) above be in the negative, will Government be pleased to give reasons for such special treatment ?

Mr. P. G. Rogers : (*a*) No.

(*b*) Yes.

(*c*) Yes.

(*d*) Does not arise.

EMPLOYMENT OF A NON-QUALIFIED LADY CLERK IN THE GENERAL POST OFFICE, BOMBAY.

570. ***Mr. N. M. Joshi** : (*a*) Is it a fact that a non-qualified lady clerk employed in the Bombay General Post Office within the last three months is the daughter of an Assistant Postmaster who is in service ?

(*b*) Is it a fact that one Mr. Darase of Ahmednagar possessing the necessary educational qualifications and whose father died in harness with over 30 years of service, was refused employment ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) No. Mr. Darase has been enrolled as a candidate for employment.

MINIMUM EDUCATIONAL QUALIFICATIONS OF CLERKS IN THE POST OFFICE.

571. ***Mr. N. M. Joshi** : Will the Government be pleased to state the minimum educational qualification necessary for recruitment as clerk in the Post Office,

(*a*) in the case of men candidates,

(*b*) in the case of women candidates ?

Mr. P. G. Rogers : No minimum educational qualifications are definitely prescribed either for men or women candidates for recruitment to the Postal Service, though the former are ordinarily required to produce evidence of having passed the Matriculation examination or its equivalent.

LEAVE RULES ON RAILWAYS.

572. ***Lieutenant-Colonel H. A. J. Gidney** : With reference to Mr. A. A. L. Parsons' reply to my motion for a cut in the Demand for the Railway Board moved in the last Session of the Legislative Assembly on the subject of Leave Rules, will the Honourable Member please state if the new Leave Rules have been framed and when he hopes to publish them ?

Mr. A. A. L. Parsons : New leave rules for railway services as a whole have not yet been framed. But the Railway Board as a separate matter are going into the question of revising the leave rules for subordinates on the Great Indian Peninsula and the East Indian Railways, who were originally in the Companies' service. These employees remain at present under the rules of the old companies and are not, like the remaining subordinate employees on the State-managed Railways, under the Fundamental Rules.

SUBORDINATES OFFICIATING AS OFFICIALS ON RAILWAYS.

573. ***Lieutenant-Colonel H. A. J. Gidney** : With reference to Mr. Parsons' reply to my motion for a cut in the Demand for grant for Railway Administration on the 28th February 1928, regarding subordinates officiating as officials, will the Honourable Member please state if he has given effect to his assurance, and, if so, the extent to which this has been done ?

Mr. A. A. L. Parsons : I have discussed the matter with the recent Agent of the Great Indian Peninsula Railway, and propose to have a further discussion with him and the present Agent very shortly. I am hopeful that as a result we shall be able to arrive at a satisfactory conclusion.

†574*.

†575*.

†576*.

OFFICIAL WHO SIGNED THE PEACE PACT IN PARIS FOR INDIA.

577. ***Mr. Gaya Prasad Singh** : Will Government kindly state who signed the Peace Pact in Paris for India ?

The Honourable Mr. J. Crerar : Sir Denys Bray has asked me to answer this question on his behalf. Owing to illness he is unable to be in his place to-day.

Lord Cushendun. On this point I would refer the Honourable Member to the answer the Foreign Secretary gave to Mr. Birla's question on the 13th September.

EMPLOYMENT OF STUDENT ENGINEERS ON RAILWAYS.

578. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Will Government please state what was the object of the Railway Board in employing student engineers in 1927 ?

(*b*) How many of these student engineers completed their training successfully and at what dates at the earliest and latest ?

(*c*) Was any attempt made to employ them as assistant engineers or temporary engineers ? If so, how many of them are employed as such ?

(*d*) How many temporary engineers have so far been employed since some of these student engineers had completed their training ?

(*e*) How is it that the Government did not employ people from amongst these student engineers as temporary engineers or assistant engineers, when they were given training for this purpose ?

†For this question, see at the end of starred questions for the day.

(*f*) How do the Government justify that they keep in view the welfare of these young engineers ?

(*g*) Were any Anglo-Indians or Europeans ever entertained as student engineers ?

(*h*) Do the Government propose to take any steps in near future for the employment of these qualified and trained engineers, whose career is being spoiled ?

Mr. A. A. L. Parsons : (*a*) and (*f*). The object was to meet the difficulty experienced by Indian youths who have qualified as civil engineers in obtaining practical training. Railway construction gives unrivalled opportunity for training civil engineers after their college course, and as the Railway Board have a considerable construction programme in hand, the opportunity has been taken of giving practical training to engineering graduates. This training is given for a period of one year only. There is no obligation on the part of Government to give these student engineers employment on Railways, either permanent or temporary on completion of their training, but Government naturally select the best of these young men for temporary employment whenever the demand arises.

(*b*) Of those appointed in 1927, seven have completed their training successfully.

(*c*), (*e*) and (*h*). The names of the students who complete their training successfully are placed on the Railway Board's registers of approved candidates and when the need arises for temporary engineers, their names are considered along with others. Of those who had completed their training in 1927, three are now employed as temporary Engineers.

(*d*) The three referred to in my reply to (*c*).

(*g*) No.

Mr. B. Das : Is it the practice for the Railway Board to take student engineers from every provincial Engineering College and do they take student engineers from the Bihar College of Engineering ?

Mr. A. A. L. Parsons : I am afraid I must ask the Honourable Member to give me notice. I do not recollect the names of all colleges from whom we take student engineers.

APPOINTMENT OF PROBATIONARY UPPER SUBORDINATES IN THE SURVEY OF INDIA.

579. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Is it a fact that nine appointments of probationary upper subordinates in the Survey of India were made since 1926 and 4 were given to Muhammadans on a communal basis ?

(*b*) Were the appointments advertised in the Punjab newspapers ?

(*c*) If the reply to (*a*) is in the affirmative, were there any Sikh applicants ? If so, why was none taken ?

Mr. G. S. Bajpai : (*a*) 16 probationary appointments to the Upper Subordinate Service in the Survey of India were made originally in 1926. These included a number of candidates of different minority communities. The number was, however, subsequently reduced to 9, owing to the weeding out of unsatisfactory candidates. The revised figure of 9 includes 4 Muhammadans.

(*b*) Yes.

(*c*) One Sikh was included in the original batch of 16 appointments, but he resigned a few days after he was appointed, as he was not satisfied with his prospects.

EMPLOYMENT OF SIKHS AS EXTRA ASSISTANT COMMISSIONERS IN THE SURVEY OF INDIA DEPARTMENT.

580. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Is it a fact that there is not a single Sikh as Extra Assistant Commissioner in the Survey of India Department ?

(*b*) Is it also a fact that some 14 probationary Extra Assistant Commissioners were recruited in 1926 and 1927 of whom 4 were Muhammadans who were taken on a communal basis ?

(*c*) If so, do Government propose to recruit Sikhs in future vacancies like Muhammadans ? If not, why ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) Yes, but the appointments were made in 1925 and 1927, and not in 1926 and 1927, as stated in the question.

(*c*) The Honourable Member is referred to the reply to his question No. 422 on the 11th September 1928.

EMPLOYMENT OF SIKHS IN THE IMPERIAL SERVICE OF ENGINEERS IN THE IRRIGATION BRANCH, PUNJAB.

581. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Is it a fact that there are only 4 Sikhs out of 151 in the Imperial Service of Engineers in the Irrigation Department of the Punjab Province ?

(*b*) Is it also a fact that in spite of the great predominance of other communities in this service, the new recruitment is still open to them and no Sikhs are taken ?

(*c*) Is it a fact that nomination of the candidates from minority communities is made in almost all the Imperial Services, even where there is a competition ?

(*d*) Do the Government similarly reserve appointments for the members of the minority communities ? If not, why ?

(*e*) If the reply to (*b*) be in the affirmative, do Government propose to order the entertainment of Sikhs in all future vacancies in the Punjab until their fair representation is brought up ? If not, why not ?

The Honourable Mr. A. C. McWatters : (*a*) Yes. But of 151 officers of the Indian Service of Engineers in the Irrigation Branch, Punjab, 77 belong to the Europe-recruited branch of the Service, and, as recruitment to that branch is confined to European British subjects, no question as to communal representation therein can arise.

(*b*) and (*d*). Direct appointments to the India-recruited branch of the Indian Service of Engineers having hitherto been guaranteed to students of certain engineering colleges in India, it has not so far been

possible to reserve any posts in the Service for minority communities. The guarantees have, however, now expired, and the question of the procedure under which direct recruitment to the branch will be made in future is under consideration. Due provision will be made in the rules for the reservation of certain appointments for the redress of communal inequalities.

(*c*) Yes.

(*e*) Does not arise.

REFUSAL TO ALLOW INDIAN CLERKS OF THE ARMY HEADQUARTERS AND OF THE IMPERIAL SECRETARIAT TO JOIN THE INDIAN TERRITORIAL FORCE.

582. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : Is it a fact that the Indian clerks of the Army Headquarters and of the Imperial Secretariat are not allowed to join the Indian Territorial Force whereas the Anglo-Indians are permitted to join the Auxiliary Force ? If so, why ?

Mr. G. M. Young : The rule in force is that Government servants may not join the Auxiliary Force or the Territorial Force without the permission of the Head of the Department in which they are serving.

It is only possible for an Indian clerk at Army Headquarters or in the Imperial Secretariat to join a Provincial unit of the Indian Territorial Force, and a Provincial unit only trains by annual embodiment in camp for periods of one or two months, whereas members of the Auxiliary Force (India) can perform their obligations by intermittent drills. It follows, therefore, that it is easier for the Head of a Department to give permission to an Anglo-Indian than to an Indian.

EMPLOYMENT OF SIKHS IN THE CIVIL AVIATION OFFICE.

583. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Is it a fact that the ministerial establishment of the Civil Aviation Office (Department of Industries, Government of India) consists of the following :

(1) Anglo-Indians..... 4, (2) Hindus..... 4, (3) Muhammadans..... 3.

(*b*) If so, will the Government please state the reasons for the exclusion of Sikhs on its staff ?

(*c*) Do Government propose to take steps to safeguard the interests of Sikhs and order their recruitment in future vacancies ? If not, why ?

The Honourable Mr. A. C. McWatters : (*a*) The number of Muhammadans is two. The other particulars are correct.

(*b*) There has been no endeavour to exclude Sikhs. Only two applications were received from Sikhs and the post was filled by a member of another community who was considered more suitable.

(*c*) If qualified Sikhs apply for future vacancies, their claims will receive consideration, but Government are unable to adopt the suggestion made by the Honourable Member.

NUMBER OF SIKHS EMPLOYED AS TRAFFIC INSPECTORS (TRANSPORTATION BRANCH) ON THE NORTH WESTERN RAILWAY.

584. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Will the Government be pleased to state the total number of posts of Traffic Inspectors (Transportation Branch) on the North Western Railway drawing more than Rs. 300 per mensem ?

(*b*) How many of them are Sikhs as against Hindus and Muhammadans ?

Mr. A. A. L. Parsons : The information asked for by the Honourable Member will be found in the Alphabetical List of Non-Gazetted Employees on the North Western Railway in receipt of Rs. 250 per mensem and over or on scales of pay rising to Rs. 250 per mensem and over. A copy is in the Library.

EMPLOYMENT OF SIKHS AS CONTROLLERS AND ASSISTANT CONTROLLERS OF STORES ON THE NORTH WESTERN RAILWAY.

585. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) How many Controllers and Assistant Controllers of Stores are there on the North Western Railway and how many of them are Sikhs ?

(*b*) Is it a fact that the appointment of Controllers and Assistant Controllers are made by nomination ?

(*c*) If so, what steps have been taken by the Government to ensure that Sikhs get their proper share in this branch of service ?

Mr. A. A. L. Parsons : (*a*) There are one Controller and four Assistant Controllers of Stores on the North Western Railway. None of them are Sikhs.

(*b*) and (*c*). Direct recruitment to the Superior Stores Department has been discontinued, and recruits are now obtained by the transfer of suitable officers from the Civil and Mechanical Engineering Departments. Sikhs in these Departments have an equal chance of being transferred.

EMPLOYMENT OF SIKHS IN THE CLERICAL ESTABLISHMENTS OF THE GOVERNMENT OF INDIA PRESSES AT DELHI AND SIMLA.

586. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) What is the total number of posts in the clerical establishments of the Government of India Press, at Delhi and Simla, respectively, and how many of them are held by Sikhs in each Press ?

(*b*) If none, why are the claims of Sikhs being ignored in this service ?

The Honourable Mr. A. C. McWatters : (*a*) The total number of posts in the clerical establishments of the Government of India Presses at Delhi and Simla is 38 and 28 respectively. There is no Sikh on the clerical establishment of either Press.

(*b*) The claims of a candidate belonging to a minority community are given due consideration if he is adequately qualified.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR, WIRELESS TELEGRAPH, SIMLA.

587. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : Is it a fact that there is no Sikh on the staff of the office of Director, Wireless Telegraph, Simla ? If so, do Government propose to recruit Sikhs in future vacancies ?

The Honourable Mr. A. C. McWatters : There is one Sikh clerk employed in the Wireless Branch of the Director-General's office. I would add that the Wireless Branch forms part of the Director-General's office as a whole, in respect of which the general orders of Government relating to the adjustment of communal inequalities are in force.

EMPLOYMENT OF SIKHS IN GAZETTED POSTS IN THE INDIAN STORES DEPARTMENT.

588. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Will Government please state whether any appointments have been made to the gazetted posts in the Indian Stores Department since January 1928 ? If so, has any Sikh been taken ?

(*b*) If the reply to part (*a*) be in the negative, will the Government please say if the claims of Sikhs were duly considered at the time of recruitment in this Department ? If so, how ?

The Honourable Mr. A. C. McWatters : (*a*) One appointment has been made to a gazetted appointment in the Indian Stores Department since January 1928. The officer selected is not a Sikh.

(*b*) The claims of minority communities to appointments in the Department are given due consideration at the time of recruitment.

PAUCITY OF SIKHS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

589. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : (*a*) Is it a fact that there is a great paucity of Sikhs in the Railway Clearing Accounts Office ?

(*b*) How many appointments were made in that office since January last ?

(*c*) How many Sikhs were taken ?

Mr. A. A. L. Parsons : (*a*) Government regret, that, for reasons which have been previously explained, they do not consider it in the public interest to give figures of communal representation in individual offices.

(*b*) and (*c*). 120 appointments have been made in the Railway Clearing Accounts Office since last January of which a certain number went to Sikhs. And I can assure the Honourable Member that the Director of the Clearing Accounts Office is following the instructions of Government with regard to the representation of minority communities when vacancies arise in this office.

SIKH INSPECTORS OF COACHING AND GOODS.

590. ***Sardar Gulab Singh** (on behalf of Sardar Kartar Singh) : What is the total number of Sikh Inspectors of Coaching and Goods as against Hindus and Muhammadans ? Do the Government propose to take necessary steps to safeguard the interests of this community in this line ?

The Honourable Sir Bhupendra Nath Mitra : The information is being collected and will be supplied to the Honourable Member in due course.

Nawab Sir Sahibzada Abdul Qaiyum : May I ask, Sir, what is the proportion of Sikhs to the whole Indian population ?

The Honourable Sir Bhupendra Nath Mitra : I have no recollection, Sir, but the Honourable Member will be able to obtain it from the Census Reports.

NUMBER OF URBAN AND RURAL UNITS OF THE INDIAN TERRITORIAL FORCE.

591. ***Pandit Thakur Das Bhargava** : (*a*) What steps if any have been taken by the Government to give practical effect to the provisions of the Territorial Force Act after it was passed in March last ?

(*b*) How many recruits have joined the Territorial Forces in the different provinces from March 1928 to 1st September 1928 in

(1) urban units (per province) ?

(2) rural units (per province) ?

(*c*) Will Government be pleased to state the amount of expenditure incurred in respect of the Territorial Forces from 1st April 1928 to 1st September 1928 ?

(*d*) Will Government be pleased to state the number of urban and rural units of the Territorial Forces per province and the strength of each unit ?

Mr. G. M. Young : (*a*) The Honourable Member is referred to the answer given on the 8th September to starred question No. 234.

(*b*) (1). None. As I have previously stated, the amending Act came into force on September the 1st.

(2) I am not aware how many recruits joined the Force between the dates mentioned, and I do not think that any useful purpose would be served by attempting to collect the figures, as the new Act only came into force on the 1st September. I trust my Honourable friend will agree with me.

(*c*) The figures will not be available in any case before December next. In view of what I have just stated, I presume that my Honourable friend would prefer to have figures relating to a similar period after September 1st. These will be available at the end of the financial year.

(*d*) A statement giving the information is laid on the table.

Province.	Name of units.	Authorised strength.	Strength on 1st July 1928.
	Provincial (Rural) Units.		
Punjab ..	11/1st Punjab Regiment	738	652
	11/15th Punjab Regiment	738	594
	11/17th Dogra Regiment	738	517
North West Frontier.	11/12th Frontier Force Regiment ..	738	722
	11/13th Frontier Force Rifles	738	643
United Provinces	11/7th Rajput Regiment	738	627
	12/7th Rajput Regiment	738	592
	11/9th Jat Regiment	738	729
	11/18th Royal Garhwal Rifles	738	586
Delhi	11/14th Punjab Regiment	738	717
Ajmer-Merwara..	11/4th Bombay Grenadiers	738	625
Bengal.. ..	11/19th Hyderabad Regiment (Bengal Wing).	738	313
Bihar and Orissa.	11/19th Hyderabad Regiment (Bihar and Orissa Wing).	738	330
Madras ..	11/3rd Madras Regiment	738	447
	12/3rd Madras Regiment	738	372
	13/3rd Madras Regiment	738	530
	14/3rd Madras Regiment	738	472
Burma.. ..	11/20th Burma Rifles	738	562
Bombay ..	11/5th Mahratta Light Infantry ..	738	716

Province.	Name of units.	Authorised strength.	Strength on 1st July 1928
	Urban units.		
Bombay ..	1st Bombay (Parsi) Urban Infantry ..	738	554
	2nd (Bombay Presidency) Urban Infantry (2 Companies).	346	..
Madras ..	3rd (Madras Presidency) Urban Infantry (2 Companies).	346	..
United Provinces	4th (United Provinces) Urban Infantry (2 Companies).	346	..

* Strength given is that of 11/2nd Bombay Pioneers, now being converted into an Urban Battalion.

Pandit Hirday Nath Kunzru : May I ask whether any addition has been made to the University Training Corps anywhere except in Bombay ?

Mr. G. M. Young : Sir, there is a question on the paper about additions to the University Training Corps which I shall be answering shortly.

EDUCATION AND EMPLOYMENT IN THE PUBLIC SERVICES OF THE DEPRESSED CLASSES.

592. ***Pandit Thakur Das Bhargava** : What action if any have Government taken in connection with the Resolution passed by the Assembly in its last Session in respect of the education and employment in the public services of the members of the depressed classes ?

Mr. G. S. Bajpai : The Resolution with an extract from the debates of the Assembly was communicated to Local Governments and certain minor Administrations and their attention invited to the main points raised in the course of discussion.

ACQUISITION OF LAND FROM MEMBERS OF AGRICULTURAL TRIBES BY THE DEPRESSED CLASSES RESIDING IN THE DELHI AND NORTH WEST FRONTIER PROVINCES.

593. ***Pandit Thakur Das Bhargava** : (*a*) Is it a fact that members of the depressed classes residing in villages in the Delhi and the North West Frontier Provinces depend upon land and agricultural labour as their main source of livelihood ?

(*b*) Is it a fact that the depressed classes are not included in the list of agricultural tribes in the provinces of Delhi and the North West Frontier and the members of these classes are interdicted from acquiring land from members of agricultural tribes ?

(*c*) Do the Government propose to remove this caste disability of the depressed classes at an early date ? If so, by what time ?

Mr. G. S. Bajpai : The information asked for is being collected from the Local Governments concerned and will be supplied to the Honourable Member.

CONTROL OF FIRING WITHOUT NOTICE ON CROWDS BY THE POLICE OR MILITARY.

594. ***Pandit Thakur Das Bhargava** : (*a*) How many cases of firing without notice by the police or military have taken place during the last year, *i.e.*, from September 1st, 1927 to September 1st, 1928, and what is the total loss of life due to such firing ?

(*b*) Do Government propose to pass some legislative measure to control such firing with a view to minimise the enormity of the loss of life ?

The Honourable Mr. J. Crerar : (*a*) There was no case within my knowledge of firing by any military force. As regards other instances the reports are not in all cases definite on the point whether the police were able to give warning or not. So far as I can judge there were only two or three cases in which no warning could be given resulting in three fatal casualties.

(*b*) The existing orders lay special stress on the importance of giving warning before opening fire. Where a definite attack is being made on the police, this may not always be practicable. But Government are satisfied that the orders are adequate and that no legislative measure is required.

PROCEDURE OF THE INDIAN STATUTORY COMMISSION.

595. ***Pandit Thakur Das Bhargava** : Will the Government be pleased to lay on the table the correspondence between Sir John Simon, the President of the Statutory Commission, and the Governor General in Council relating to the procedure announced on 6th February 1928 and its subsequent modification in response to the demand of the Punjab Committee ?

The Honourable Mr. J. Crerar : The procedure of the Indian Statutory Commission is settled by the Commission itself and does not form the subject of correspondence with the Governor General in Council.

†596*.

ALLEGED PREFERENCE SHOWN TO ANGLO-INDIANS IN THE MATTER OF RECRUITMENT TO THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

597. ***Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to lay on the table a statement showing the number of employees of the Director of Civil Aviation specifying their communities, the dates of their appointments and the salaries payable to them ?

(*b*) Are Government aware that there is a definite discontent against the manner in which preference has been shown to Anglo-Indians in the matter

†For this question, see at the end of starred questions for the day.

of recruitment of this staff and do Government propose to issue instructions to the Director to put a stop to this unfair practice ?

The Honourable Mr. A. C. McWatters : (*a*) The office staff consists at present of four Hindus, two Muslims and four Anglo-Indians. I am sending a statement giving details of their pay and dates of appointment to the Honourable Member.

(*b*) Government have received no complaints on the subject and they do not consider that there is any justification for the imputation made in the latter part of the Honourable Member's question. They understand that the Director intends to increase the relative numbers of the Hindu community in making appointments to a number of posts which have been recently created and are not yet filled.

Mr. D. V. Belvi : Will Government be pleased to state if they will lay a copy of the statement on the table of the House ?

The Honourable Mr. A. C. McWatters : Yes, Sir, certainly.

DISMISSAL OF A HEAD CLERK IN AN OFFICE OF A SUPERINTENDENT OF POST OFFICES.

598. ***Pandit Thakur Das Bhargava** : (*a*) With reference to the reply given to Kumar Ganganand Sinha's questions No. 712 and Nos. 715 to 721 on 31st August, 1927, will the Government be pleased to state whether they are now in a position to give detailed answers to those questions ?

(*b*) If the answer is in the affirmative, will the Government be pleased to give the information wanted in the questions 712, 715, 716, 717, 718 and 720 referred to above ?

(*c*) If the answer is in the negative will the Government be pleased to state their reason for the same ?

The Honourable Mr. A. C. McWatters : The question relates to the case of a Head Clerk in an office of a Superintendent of Post Offices, who was dismissed from the service in 1923 in connection with charges of accepting bribes, misappropriation of Government property, etc. His dismissal was ordered, in the first instance, after a careful enquiry into the charges, by the Postmaster General of the Circle. Since then the case has been re-examined, on appeal, on numerous occasions by three different Directors-General of the Posts and Telegraphs Department and by two Members in charge of the Department of Industries and Labour.

2. The Government are satisfied that the clerk's dismissal was thoroughly justified : they do not see their way to considering it further, nor do they think that any useful purpose would be served by undertaking the labour necessary to extract from the large volume of papers which have accumulated regarding it detailed answers to the Honourable Member's numerous enquiries.

3. In these circumstances, the Government propose to take no further action in the matter.

ALLEGED PREFERENCE SHOWN TO ANGLO-INDIANS IN THE MATTER OF RECRUITMENT TO THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

599. ***Mr. S. C. Mitra** : Will the Government be pleased to lay on the table a statement showing the number of employees of the Director

of Civil Aviation specifying their communities, the dates of their appointments and the salaries payable to them ? Are Government aware that there is a definite discontent against the manner in which preference has been shown to Anglo-Indians in the matter of recruitment of this staff and do Government propose to issue instructions to the Director to put a stop to this unfair practice ?

The Honourable Mr. A. C. McWatters : The question is identical with question No. 597 asked by Mr. Gaya Prasad Singh which I have just answered, and I would refer the Honourable Member to the reply given to that question.

TIME SPENT ON THE INSPECTION OF OUT-AGENCIES IN THE BILLS BY MR. WOOD, CHIEF AUDITOR OF THE NORTH-WESTERN RAILWAY.

600. ***Mr. S. C. Mitra** : (*a*) Are the Government aware that the present Chief Auditor of the North-Western Railway, Mr. Wood, has during each of the last two years spent more than three months in summer in the hills on the inspection of railway out-agencies ?

(*b*) Are Government aware that he is accompanied on several of the inspections by the Travelling Auditor and throughout by a Travelling Inspector of Accounts ?

(*c*) What steps do Government propose to take to put a stop to this practice ?

(*d*) Is it a fact that no previous Chief Auditor has been absent for such a long time from his headquarters on this work ?

(*e*) Is it a fact that hitherto the usual procedure has been to divide the out-agencies among the officers and that very junior officers have conducted the inspection of out-agencies without any assistance ?

(*f*) If the answer to (*c*) be in the affirmative what action do Government propose to take to put a stop to the waste involved in this system adopted by the present Chief Auditor ?

(*g*) Do the Government propose to direct the Agent of the Railway to inquire into the matter ?

(*h*) Is it a fact that it is for actions like those referred to in the preceding questions that Mr. Wood has not been considered fit for promotion to a higher acting appointment ?

The Honourable Sir Bhupendra Nath Mitra : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

DEPRIVATION OF THE CANTONMENT BOARD AT BELGAUM OF A LARGE PORTION OF THEIR REVENUE.

601. ***Mr. D. V. Belvi** : (*a*) Will Government be pleased to state if the Army Department has recently deprived the Cantonment Board at Belgaum of a large portion of their revenue under the plea that the lands are of military ?

(*b*) If so, is the money so obtained spent on the salaries of the officers of the Military Estates Department ?

(*c*) What is the total cost annually of these new appointments and what service is rendered by them to the public or to the Army ?

Mr. G. M. Young : (*a*) Before the Cantonment Reforms, Cantonment Authorities were entrusted with the management of all Government lands in the Cantonment and were allowed to take the profits from such management.

As part of the arrangements consequent on the Reforms, Cantonment Authorities have been relieved of the management of land in direct military use and a small proportion of the income from the remaining Government land, which is still managed by Cantonment Authorities, is paid to Government. On the other hand, Cantonment Authorities have also been relieved of certain expenditure, which was formerly met from the Cantonment Fund, such as expenditure on troops' conservancy, which is now paid by Government ; and on the whole there is no reason to believe that Cantonment Authorities are worse off now than they were before. In any case Government supplement the resources of Cantonment Authorities, where necessary, by grants-in-aid. No application for such assistance has been received from Belgaum.

(*b*) No, Sir. The income now received by Government from Government lands is utilised for the benefit of Cantonments as a whole.

(*c*) The appointment of Military Estates Officers entail no extra cost to Government. The appointments are made from the existing cadre of the Cantonments Department. The duties of Military Estates Officers are confined to the acquisition, custody and relinquishment of land on behalf of the military authorities.

TEMPORARY ENGINEERS ON STATE RAILWAYS.

602. ***Mr. M. S. Aney** : Will the Government be pleased to state :

(*a*) How many persons have been placed on the register of approved candidates for appointment as temporary engineers on State-worked Railways ?

(*b*) How many of them have so far been offered employment ?

(*c*) And what prospects are there for the remaining ones to be taken in the near future ?

Mr. A. A. L. Parsons : (*a*) 65.

(*b*) 26.

(*c*) Government cannot give any definite information. The employment of temporary engineers is subject to the number of railway programme works and constructions which are taken in hand from time to time. The prospects of employment of further temporary engineers are poor at present.

EMPLOYMENT OF CANDIDATES QUALIFIED FOR SECOND DIVISION APPOINTMENTS IN THE GOVERNMENT OF INDIA SECRETARIAT.

603. ***Mr. Siddheswar Sinha** : (*a*) Will Government be pleased to state the number of candidates who have qualified themselves for the second grade appointments in the ministerial service of the Imperial Secretariat in the examinations held by the Staff Selection Board and the Public Service Commission during the year 1925 and 1926, respectively ?

(*b*) How many of the candidates so qualified have been provided for in the appointments of that grade in the Imperial Secretariat since then ?

(*c*) Is it a fact that candidates qualified for the second grade of the Imperial Secretariat have been debarred for appointments in the third grade in the Imperial Secretariat ?

(*d*) Is it also a fact that a large number of such candidates have been offered posts and are actually employed in attached offices in the routine grade ?

(*e*) Is it a fact that the routine grade is lower than the third grade of the Imperial Secretariat ?

(*f*) Do Government propose to take steps that candidates who have passed for the second grade of the Imperial Secretariat be declared fit for appointments in the upper grade of attached offices, or else be given second grade appointments in the Imperial Secretariat ?

The Honourable Mr. J. Crerar : (*a*) 42 candidates in 1925 and 58 in 1926.

(*b*) 21.

(*c*) and (*d*). Candidates who are qualified for the second division are not ordinarily nominated for appointments in the routine grade of the Imperial Secretariat, as candidates for the latter grade are required to pass the typewriting test, which is an essential qualification in their case. Such candidates are, however, employed in the second division of attached offices, the reason being that only two divisions exist in attached offices and experience in typewriting is not necessarily demanded of all candidates for employment in the lower division of those offices.

(*e*) Yes.

(*f*) Every endeavour is made to provide candidates who are qualified for the second division of the Imperial Secretariat and whose names are still borne on the waiting list of candidates with appointments in that grade as vacancies occur. Government regret that they are unable to declare such candidates qualified for appointment to the upper division of attached offices unless they pass the examination for that division.

EMPLOYMENT OF MUHAMMADANS AS CLERKS IN THE OFFICE OF THE CHIEF MEDICAL OFFICER, DELHI.

604 ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that for the last 30 years no Muhammadan clerk was engaged in the office of the Chief Medical Officer, Delhi, with the exception of a temporary chance being given to a Muhammadan for a few months ? If so, will the Government be pleased to state why no Muhammadan clerk was permanently appointed ?

(*b*) Is it a fact that Babu Nathan Lall, Head Clerk of the Chief Medical Office, has been granted an extension for the last five years and is now to retire ? If so, do Government propose to take an opportunity of redressing the Muhammadans' grievances ?

Mr. G. S. Bajpai : With your permission, Sir, I shall deal with questions 604, 605, 606, 607, 608, 609 and 611 together. The necessary information has been called for from the Chief Commissioner of Delhi and will be supplied to the Honourable Member when received.

EMPLOYMENT OF MUHAMMADANS AS DOCTORS IN THE HOSPITALS IN DELHI.

†605. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that for many years no Muhammadan doctor has been given a chance in the in-door Department of the Civil Hospital, Delhi ? If so, will the Government be pleased to state whether there is any rule not to appoint a Muhammadan doctor in the above post ? If not, will they be pleased to state what action they would take in exercising an equilibrium in the postings ?

(*b*) Is it a fact that in the New Delhi Hospital there are three doctors who are all non-Muhammadans ?

(*c*) Is it a fact that in Balak Ram's House Hospital both the doctors are Hindus ?

EMPLOYMENT OF MUHAMMADAN COMPOUNDERS IN THE DELHI PROVINCE.

†606. ***Maulvi Muhammad Yakub** : Is it a fact that the number of Muhammadan compounders is very few in Delhi Province and particularly in the Civil Hospital at Delhi ?

DOCTORS EMPLOYED ON INSPECTION DUTIES IN THE EDUCATION DEPARTMENT, DELHI.

†607. ***Maulvi Muhammad Yakub** : Is it a fact that all the doctors employed on inspection duties in the Education Department, Delhi, are Hindus ?

CHARGE OF BRANCH DISPENSARIES IN DELHI.

†608. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that Delhi branch dispensaries were always occupied by the senior incumbents up to the time when the transfers were in the hands of Inspector General, Civil Hospitals, Punjab ?

(*b*) Is it a fact that for the last five years the Chief Medical Officer is authorised to make local transfers in Delhi Province ?

(*c*) Is it a fact that during the last five years not a single senior Sub-Assistant Surgeon was asked for, from the Inspector General, Civil Hospitals, Punjab ?

(*d*) Is it a fact that Assistant Surgeon Doctor Mukand Lall is holding charge of Civil Hospital, Delhi, for more than five years ? Will the Government be pleased to state whether this contravenes any provision in the Punjab Medical Manual ?

(*e*) Is it a fact that in 1926 one Doctor Muniruddin, Assistant Surgeon, was ordered to be transferred in place of Doctor Mukand Lall, but the order of transfer was postponed for some months ? If so, will the Government be pleased to state why the above order has not been brought into force till now ? Is it a fact that that order has not yet been actually cancelled ?

†For answer to this question, see answer to question No. 604.

CHARGE OF MUFASSIL DISPENSARIES IN THE PUNJAB.

†609. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that in the Punjab most of the muffasil dispensaries are in the charge of senior grade Sub-Assistant Surgeons ?

(*b*) Is it a fact that in Delhi Province, there is no senior grade Sub-Assistant Surgeon ? If so, do Government propose to take the necessary steps in the matter ?

TRANSFER OF DR. MUKHERJI, SUB-ASSISTANT SURGEON IN-CHARGE OF THE RAILWAY DISPENSARY, DELHI.

610. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that the post of Railway Sub-Assistant Surgeon, Delhi, is under the Chief Medical Officer, Delhi ?

(*b*) Is it a fact that one Doctor Mukerji, Sub-Assistant Surgeon, is holding charge of the Railway Dispensary, Delhi, for the last some 12 years ? If so, do Government propose to consider the rights of others and to remove the officer who has been stationed for a long time in one place ?

Mr. A. A. L. Parsons : (*a*) The North Western Railway Sub-Assistant Surgeon, Delhi, is under the Medical Officer of the North Western Railway, who is also the Civil Surgeon at Delhi, and Chief Medical Officer, Delhi Provinces.

(*b*) Mr. Mukerji has been stationed in Delhi for a considerable time—I am not sure of the exact period. Government have no intention of removing an officer whose work has been satisfactory.

STATEMENT SHOWING THE ALLOCATION OF THE CIVIL MEDICAL DEPARTMENT, DELHI PROVINCE.

†611. ***Maulvi Muhammad Yakub** : Will the Government be pleased to lay on the table a statement of the allocation of the Medical Department, Delhi Province, showing names and caste, religion, age, pay, date of appointment in Delhi Province, native place, length of service, present postings, with date and years ?

REORGANISATION BY THE AGENT OF THE NORTH WESTERN RAILWAY OF THE GENERAL WORKERS' UNION, NORTH WESTERN RAILWAY.

612. ***Maulvi Muhammad Yakub** : (*a*) Are Government aware that a trade union of the North Western Railway employees was registered under Trade Unions Act on 31st March 1928 under the name " The General Workers Union, North Western Railway " ?

(*b*) Are Government also aware that Mr. M. A. Khan, General Secretary of the said Union, wrote to the Agent, North Western Railway, *vide* letter No. G.U./4, dated 25th April, 1928, for the recognition of the said Union ?

(*c*) Is it a fact that the Agent, North Western Railway, did not acknowledge receipt of the aforesaid letter ?

†For answer to this question, see answer to question No. 604.

(*d*) Are Government aware that the registered Trade Union is meant to regulate relations between the employers and the workmen ? Will Government be pleased to state how it will be possible to regulate these relations without recognition and co-operation ?

(*e*) Do Government propose to ask the Agent, North Western Railway, to negotiate with and grant recognition to the said Union ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Yes.

(*c*) I understand that the Agent did not acknowledge receipt of this letter.

(*d*) The view of Government is that registration should predispose the Agent to deal with the Union as representing the interests of its members, but the question whether the Agent should deal with a particular Union, and if so, to what extent, is one which must be decided with regard to the facts of each case. The position on the North Western Railway is that there are two rival Unions covering the same ground which are in direct opposition to each other. The Agent of the North Western Railway has dealt with one of these Unions from its inception in 1920, and is not prepared to deal with the rival body, which has only been recently started.

(*e*) No ; for reasons which I have already explained.

EMPLOYMENT OF INDIANS AS CARRIAGE INSPECTORS ON THE NORTH WESTERN RAILWAY.

613. ***Maulvi Muhammad Yakub** : Is it a fact that no Indian is working on the North Western Railway as a Carriage Inspector ? If not, why not ? Do the Government propose to move the North Western Railway authorities to select a few senior and qualified head Carriage Examiners and promote them as Carriage Inspectors when vacancies occur next ?

Mr. A. A. L. Parsons : I understand that no Indian, as distinct from a statutory Indian is working as a Carriage Inspector on the North Western Railway. These posts are filled by selection from Carriage Examiners and there is no bar to Indians being appointed.

PAY OF WORKMEN IN THE POWER HOUSE AND LOCOMOTIVE AND CARRIAGE SHOPS, NORTH WESTERN RAILWAY.

614. ***Maulvi Muhammad Yakub** : Is it a fact that workmen in the Power House of the North Western Railway have a maximum grade of Rs. 3-8-0 per day, while in the Locomotive and Carriage Shops, the maximum grade is Rs. 2-8-0 a day ? Do the Government propose to move the Agent, North Western Railway, to equalise the rates of both the Workshops ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative. Rs. 2-8-0 a day is the maximum for mechanics in both the Power House and in the Locomotive and Carriage Shops.

AGREEMENTS WITH THE DAILY RATED STAFF ON THE NORTH WESTERN RAILWAY.

615. *Maulvi Muhammad Yakub : Is it a fact that the daily rated staff on the North Western Railway has been made to sign an agreement of service with the Secretary of State for India like the ministerial and clerical staff who are monthly paid ? If so, do Government propose to consider the question of granting the daily rated labour casual, privilege, sick and furlough leave like the other above-mentioned staff ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative except that daily rated staff who subscribe to the Provident Fund are made to sign an agreement of service and become entitled to one month's notice before their services are dispensed with. The second part of the question does not arise.

NUMBER OF EMPLOYEES OF THE NORTH WESTERN RAILWAY DISMISSED, DISCHARGED, REDUCED IN PAY AND FINED IN THE YEAR 1927-28.

616. *Maulvi Muhammad Yakub : Will the Government be pleased to state how many employees of the North Western Railway have been dismissed, discharged, reduced in pay and fined in the year 1927-1928 and how many appeals were entertained and with what results ?

Mr. A. A. L. Parsons : I am making enquiries from the North Western Railway how far the information desired by the Honourable Member can be procured and will communicate with him later.

TIME SCALE OF PAY FOR THE OUTDOOR CLERICAL STAFF ON THE NORTH WESTERN RAILWAY.

617. *Maulvi Muhammad Yakub : Are Government aware that the outdoor clerical staff with 20 to 25 years' service on the North Western Railway is blocked on Rs. 60 per mensem, while the grades of the clerical staff in the Postal, Secretariat and other Government Departments have risen up to Rs. 140. Do Government propose to draw the attention of the Agent of the North Western Railway, to introduce a time-scale system on the same lines as in the other Departments under the Government of India ?

Mr. A. A. L. Parsons : I have called for information from the Agent of the North Western Railway, but it has not yet arrived. I will communicate with the Honourable Member when the reply is received.

POPULATION OF THE DEPRESSED CLASSES.

618. *Rao Bahadur M. C. Rajah : Will Government be pleased to state :

(a) if the figures given in the schemes set out in Appendices I to VIII of the Report of the Franchise Committee dated 22nd February, 1919, regarding the population of the Depressed Classes (shown in the statistical summary as " Others " with an asterisk mark* under the heading " Hindus ") are correct ?

(b) if these figures indicate the untouchable castes ?

(c) if these figures include the criminal tribes also ?

(d) if these figures referred to territory outside British India as well as British India ?

(e) if the total population of the Depressed Classes according to the figures given on pages 19, 29, 37, 45, 53, 61, 69 and 75 of the Franchise Committee's Report, 1919, was more than 42 millions ?

The Honourable Mr. J. Crerar : (a), (b), (c) and (e). The Honourable Member will see from the footnotes to the Appendices that the population shown under the heading " others " referred to those castes which were generally described as " untouchables ". Their total number was over 42 millions. The references in the footnotes to the Census Reports suggest that the Committee obtained their figures from the Census Reports of 1901 and 1911, but a scrutiny of the Census tables shows that the figures given in them do not in all cases tally with the figures given in the Appendices referred to by the Honourable Member. The Government of India are not therefore in a position to check the figures. Precise details of criminal tribes are not available.

(d) The figures referred only to British India.

POPULATION OF THE DEPRESSED CLASSES.

619. *Rao Bahadur M. C. Rajah : Will Government be pleased to state :

(a) if the population of the Depressed Classes according to the census of 1921 is as follows (approximately) ?

	Millions.
Madras Presidency	7.20
Bombay Presidency	3.06
Bengal Presidency	11.50
U. P. of Agra and Oudh	15.69
Punjab	3.55
Central Provinces and Berar	10.00

(b) if the answer to the above is in the negative, will the Government be pleased to lay on the table the correct figures for these provinces as well as for Bihar and Orissa and Assam ?

The Honourable Mr. J. Crerar : I propose, with your permission, to answer questions Nos. 619 and 620 together. I would refer the Honourable Member to the Census Report of 1921.

UNTOUCHABLE POPULATION OF INDIA.

†620. *Rao Bahadur M. C. Rajah : Will Government be pleased to state if the total untouchable population of India according to the census of 1921 is more than 60 millions ?

†For answer to this question, see answer to question No. 619.

Mr. C. Duraiswamy Aiyangar : May I know whether the term "depressed classes" is a term recognised by the Government ?

The Honourable Mr. J. Crerar : It is a term in common use, and Government do employ it in the various reports dealing with the matter.

Mr. C. Duraiswamy Aiyangar : May I ask whether they are depressed by Government or by others ?

(No answer).

Mr. C. Duraiswamy Aiyangar : May I ask one more question, whether during the last seven years, since 1921, many of those who were depressed have been elevated and those who were non-depressed then have become depressed ?

The Honourable Mr. J. Crerar : I hope that it is certainly true that certain castes which were depressed in 1921 have since advanced, and that in the next census a different classification may be possible for them.

QUALIFICATIONS FOR PROMOTION TO THE GRADE OF HEAD LIGHT KEEPERS IN THE MADRAS PRESIDENCY.

621. ***Mr. Sarabhai Nemchand Haji** : (*a*) Is it a fact that the Head of the Madras Presidency Port authorities issued two circulars regarding the qualifications for promotion to the grade of Head Light Keepers?

(*b*) If so, will Government be pleased to lay them on the table ?

(*c*) Is it a fact that these circulars have been ignored by the authorities concerned in filling up recent vacancies?

The Honourable Sir George Rainy : Enquiries have been made from the Government of Madras, and the result will be communicated to the Honourable Member on receipt of the Local Government's reply.

NUMBER OF PERSONS EMPLOYED IN THE LIGHT HOUSES SERVICES.

622. ***Mr. Sarabhai Nemchand Haji** : Will Government be pleased to state the number of men of different communities in India employed in the different Presidencies in the various grades of the Light-houses Services?

The Honourable Sir George Rainy : With your permission, Sir, I will answer questions 622 and 623 together. The coast light services, which are now administered by Local Governments, will in the course of the ensuing cold weather be reorganised under the direct control of the Government of India. The information for which the Honourable Member asks will then be available.

SEA AND COAST LIGHTS ESTABLISHMENTS IN INDIA.

†623. *Mr. Sarabhai Nemchand Haji : **Will Government be pleased to lay on the table a statement showing the list of Sea and Coast Lights Establishments in India?**

†For answer to this question, see answer to question No. 622.

BANKING ENQUIRY COMMITTEE.

624. ***Mr. Sarabhai Nemchand Haji** : Is it a fact that Government proposed to appoint at an early date a Banking Enquiry Committee in terms of the Resolution passed by the Legislative Assembly during the Simla Session of 1927?

The Honourable Sir Bhupendra Nath Mitra : Government have no present intention of appointing a Committee of the kind mentioned in the immediate future.

Mr. Sarabhai Nemchand Haji : Is it a fact that Sir Basil Blackett stated in the course of his reply to the Resolution that, as soon as the Reserve Bank question was got out of the way and as soon as the Report of the Royal Agricultural Commission was available, the Government would consider the advisability of appointing this Committee ?

The Honourable Sir Bhupendra Nath Mitra : That does not in any way affect the answer I have already given to the Honourable Member.

Mr. Sarabhai Nemchand Haji : Will the facts I have stated induce the Honourable Member to expedite the matter ?

The Honourable Sir Bhupendra Nath Mitra : I have nothing to add to the answer I have already given, and I would advise my Honourable friend to read my answer a little more carefully.

COMPETITIVE EXAMINATION FOR THE INDIAN MEDICAL SERVICE.

625. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government be pleased to state the year in which the last competitive examination for the Indian Medical Service was held?

(*b*) When do Government propose to resume the competitive examination for entrance into the Indian Medical Service?

(*c*) Is it a fact that in the recruitment of men for the Indian Medical Service since the vacancies are filled by selection, the proportion of two Europeans to one Indian is being maintained?

(*d*) If so, why?

Mr. G. M. Young : (*a*) 1915.

(*b*) It is proposed to wait and see what effect the reorganization of the Indian Medical Service will have on recruitment before taking up the question of reintroducing the competitive examination.

(*c*) The proportion aimed at is as stated by the Honourable Member. But the total number of Indians recruited by nomination up to date is in excess of this proportion.

(*d*) The ratio of two Europeans to one Indian represents roughly the proportions necessary in order to provide for attendance on European civil officers and their families and to allow for the reserve of British officers required by the Army in war. It represents a considerable increase over the number of Indians who succeeded in entering the service under the old system of open competition.

Pandit Hirday Nath Kunzru : Why is a reserve of British officers needed by the Military Department in the Indian Medical Service ?

Mr. G. M. Young : Because in time of war there is no reserve for the Royal Army Medical Corps. The war reserve of British officers in the Indian Medical Service provides a reserve for the Royal Army Medical Corps.

Pandit Hirday Nath Kunzru : Is there any understanding between the War Office and the Government of India that the British troops would in time of war be attended on only by British officers ?

Mr. G. M. Young : British troops are attended to only by British officers and the reserve of British officers exists for attending to them in war.

Mr. Gaya Prasad Singh : Why is it so ?

Pandit Hirday Nath Kunzru : May I know whether the Government of India or His Majesty's Government have laid down the policy that British officers and British troops should in time of war be looked after only by British officers of the Indian Medical Service ?

Mr. G. M. Young : The assumption is that British officers and British troops will be looked after by British medical officers in war.

Pandit Hirday Nath Kunzru : Has that policy been laid down anywhere, or has the present practice been continued without any direct enunciation of principles by either the Government of India or His Majesty's Government ?

Mr. G. M. Young : I am not aware that the question has ever been raised. It is an assumption, rather. British troops are at present looked after by British medical officers, and it is naturally assumed that in time of war the reserve should also be British.

Pandit Hirday Nath Kunzru : Is the Honourable Member aware that the British medical officers attached to the British troops are part of the Royal Army ? When the officers of the Indian Medical Service in time of war attend on British troops, it does not necessarily follow that the officers who look after the British troops should also be British.

Mr. G. M. Young : I am afraid I have not entirely followed the argument just stated by the Honourable Member. If he wishes to obtain from me a statement about the policy that has been pursued or laid down in the past, I trust he will give me notice.

Mr. Sarabhai Nemchand Haji : In view of the very vicious principle just enunciated by the Honourable the Army Secretary.....

Mr. President : Will the Honourable Member put his question without any arguments ?

Mr. Sarabhai Nemchand Haji : Sir, may I enquire if it is a fact that Indian members of the Indian Medical Service attended on British officers and soldiers during the last war ?

Mr. G. M. Young : I have no detailed information on the subject, but I should think it quite probable.

Mr. Sarabhai Nemchand Haji : If it is quite probable, is it the reward for that service that the Indian officers of the Indian Medical Service are kept out now ?

Mr. G. M. Young : I think that that is more in the nature of an argument than a question.

Mr. M. R. Jayakar : Have the Government of India discovered any new principle in medical science that the curative qualifications of a medical man depend upon the similarity of complexion between him and his patient ? (Laughter.)

Mr. N. M. Joshi : May I ask whether Mr. Haji's Bill for the reservation of coastal traffic is not based upon this reservation of British medical officers for Europeans ?

Mr. R. K. Shanmukham Chetty : If, as the Honourable Member stated in answer to my Honourable friend, Mr. Haji, during the war Indian officers of the Medical Service attended upon British Army officers, may I ask what is the basis of his assumption that British officers and British troops will always be attended during war by British officers of the Indian Medical Service ? May I know what is the basis for his assumption ?

Mr. G. M. Young : I still think that these questions take the form of arguments, but there appears to be some slight misapprehension. Many of the officers of the Indian Medical Service are Indians, and I say it is quite probable, in fact, it is quite certain that they did attend on British officers in the war. But this is a question of a reserve of medical officers for British troops. British troops are not attended in peace time by Indian Medical Service officers, and in time of war it is natural that the reserve should be of the same composition as the main cadre.

Pandit Hirday Nath Kunzru : Does the Honourable Member mean that the organisation of the Indian Army should depend upon the needs of the British troops during a time of war ?

Mr. G. M. Young : No. I do not think that is an inference that could possibly be drawn from anything I have said.

Dr. B. S. Moonje : If the needs of the British Army can be met even by Indian members of the Indian Medical Service, where is the necessity of reserving British medical officers for British officers and troops in the Indian Medical Service when the Royal Army Medical Corps is solely reserved for them ?

Mr. G. M. Young : The answer to that question lies in part (*d*) of my answer to the main question.

NUMBER OF CIVIL APPOINTMENTS TO WHICH INDIAN MEMBERS OF THE INDIAN MEDICAL SERVICE WILL BE ADMITTED.

626. ***Mr. Sarabhai Nemchand Haji** : (*a*) Is it a fact that the provision of an adequate number of civil appointments has always been considered necessary to draw the European of the right calibre into the Indian Medical Service ?

(*b*) If so, has the same principle been borne in mind in arranging the number of civil appointments to which Indian members of the Indian Medical Service will be admitted under the new scheme referred to in the press communiqué, dated 10th May, 1928 ?

Mr. G. M. Young : (*a*) and (*b*). The reply to both parts is in the affirmative.

SURGEONS-GENERAL AND INSPECTORS-GENERAL OF CIVIL HOSPITALS.

627. *Mr. Sarabhai Nemchand Haji : Is it a fact that under the new scheme Provincial Governments will have the right to appoint non-I.M.S. men to the posts of Surgeons-General or Inspectors-General of Civil Hospitals, when the present incumbents retire?

(*b*) Will it be open to the Provincial Governments to abolish these posts, if they choose to do so?

Mr. G. S. Bajpai : (*a*) Local Governments will have the right to make appointments to these posts when the existing rights of Indian Medical Service officers in civil employ have been liquidated.

(*b*) Not under the present financial rules.

Mr. Sarabhai Nemchand Haji : Does it follow that under present rules the Provincial Minister will not have the right to abolish these posts if he is so advised ?

Mr. G. S. Bajpai : That is so, Sir.

Mr. Sarabhai Nemchand Haji : Is that going to be the nature of provincial autonomy ?

Mr. G. S. Bajpai : That is a question which is susceptible of debate and not of a short and direct answer.

RESERVATION OF POSTS FOR INDIAN AND EUROPEAN MEMBERS OF THE INDIAN MEDICAL SERVICE.

628. *Mr. Sarabhai Nemchand Haji : Is it a fact that under the new scheme while only two posts are definitely reserved for the Indian members of the Indian Medical Service more than 200 posts are definitely reserved for the European members of the Indian Medical Service ?

Mr. G. S. Bajpai : The Honourable Member is presumably referring to posts on the civil side. The number of such posts definitely reserved for European Indian Medical Service officers is 143 and although the number of posts specifically reserved for Indian I. M. S. officers is only 2, it is the intention of Government to give to Indians a sufficient number of posts on the civil side to bring the total number of Indian officers in civil employ up to 90.

Mr. Sarabhai Nemchand Haji : Am I to understand that for all practical purposes 90 posts will be reserved for Indian officers of the Indian Medical Service ?

Mr. G. S. Bajpai : I think my Honourable friend has not quite followed the basis of the reorganisation scheme. The aim is to take officers not merely for posts but also to allow for a leave and study reserve of 27½ per cent. Including this leave and study reserve we want 90 Indians on the civil side, but the number of posts which will be given to these officers will be the difference between 90 and the 27½ per cent. of 90 which represents the leave and study reserve.

TRAINING OF CADETS ON THE TRAINING SHIPS "CONWAY" AND " WORCESTER."

629. *Mr. Gaya Prasad Singh : Will Government be pleased to state :

(*a*) What is the duration of the course of training for English Cadets on the training ships " Conway " and " Worcester " ?

(*b*) Are there any restrictions in the way of Indian youths to their admission to the above training ships? If so, what are those?

(*c*) What is the average cost of training per annum for a Cadet on either of the above training ships?

The Honourable Sir George Rainy : The information, so far as it is available to the Government of India, is as follows :

(*a*) The minimum period on the " Worcester " is two years, but the length of training varies with the age and ability of the candidate. It is understood that the course on the " Conway " is similar.

(*b*) The " Conway " and the " Worcester " are private institutions. The managements were approached on the subject by the Committee on Indian Students in 1921, and their replies are summarised in paragraph 105 of the Committee's report. Subsequently, Captain Sayer, the Captain Superintendent of the " Worcester ", who came to India in 1925 to advise the Government of India on the scheme for the establishment of a training ship in India, recommended as an alternative that the management of the " Worcester " should be asked to accept Indian cadets. But in view of the decision of the Legislative Assembly on the 19th March, 1926, to establish a training ship in Indian waters, Captain Sayer's alternative proposal was not further pursued.

(*c*) The fees for the " Worcester " are £140 per annum, inclusive of one suit of uniform yearly, washing and medical attendance, and the fees for the " Conway " are £120 per annum without uniform.

Dr. B. S. Moonje : If the " Worcester " is a private ship, does it receive any subsidy from the Government ?

The Honourable Sir George Rainy : I am quite certain that neither the " Worcester " nor the " Conway " receive any subsidy from the Government of India. Whether either receives a subsidy from the British Government I am not aware, and if the Honourable Member desires information, perhaps he will give me notice.

Mr. Sarabhai Nemchand Haji : Supposing they received a subsidy from the British Government, have not British subjects a claim.....

Mr. President : That is a hypothetical question.

Mr. Sarabhai Nemchand Haji : With reference to part (*a*) of the question, and with reference to the mention of the report of the Indian Students Committee referred to by the Honourable Member, is it a fact that in reply to the queries of that Committee, both these British institutions definitely refused to take Indian candidates ?

The Honourable Sir George Rainy : I have the papers here, but I cannot without a little delay give the answer to the Honourable Member's question. If that report is not already in the Library, I will see that a

copy is placed in the Library, so that Members may satisfy themselves as to what exactly happened at that time.

SEA SERVICE NECESSARY FOR A SECOND MATE'S CERTIFICATE.

630. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that for those who come out of the "Conway" and "Worcester" the qualifying sea service is only three years, while the Indian Cadets of the I. M. M. T. S. "Dufferin" have to put in four years of sea service before they can appear for the Second Mate's Certificate ?

(*b*) If the answer to the above be in the affirmative, what is the reason for making this differentiation in the period of sea service to be put in by the Indian and English Cadets ?

The Honourable Sir George Rainy : (*a*) The qualifying sea service required of a "Dufferin" cadet is exactly the same as is required of a "Conway" or "Worcester" cadets.

(*b*) Does not arise.

ADMISSION OF CADETS FOR THE "DUFFERIN" TO THE TRAINING SHIPS "CONWAY" AND "WORCESTER."

631. ***Mr. Gaya Prasad Singh** : (*a*) Do Government propose to afford the necessary facilities regarding admission and other amenities of life to those Cadets of the I. M. M. T. S. "Dufferin" who are desirous of proceeding to England and receiving training on the "Conway" and "Worcester" ?

(*b*) If the answer to the above is in the affirmative, do Government propose to count the period of service put in by those Cadets of the "Dufferin" who are desirous of proceeding to England for training on the "Conway" and "Worcester" when calculating the total period of training to be put in on the English training ships ?

The Honourable Sir George Rainy : (*a*) No, Sir.

(*b*) Does not arise.

THE INDIAN NAVY.

632. ***Mr. Gaya Prasad Singh** : (*a*) Will Government be pleased to state when the Indian Navy will be created ?

(*b*) Will posts in the Indian Navy be thrown open to Cadets of the "Dufferin" ?

(*c*) If not, why not ?

(*d*) If the answer to (*c*) is in the negative, will Government be pleased to state the special qualifications required of youths desirous of joining the Indian Navy ?

Mr. G. M. Young : (*a*) The designation and status of the Royal Indian Marine cannot be raised to those of a Dominion Navy until the Naval Discipline Act, applicable to such Navies and to the Royal Navy, has been passed by the Indian Legislature.

(*b*) Cadets from the "Dufferin" are already eligible to compete for posts in the reorganized Royal Indian Marine, and will be equally eligible to compete for posts in the Royal Indian Navy, if one is created.

(*c*) and (*d*). Do not arise.

Mr. Sarabhai Nemchand Haji : Have Government fixed a proportion of Indian recruitment from the "Dufferin" in connection with the general recruitment for the Royal Indian Marine ?

Mr. G. M. Young : I am afraid I have not understood the question, but no proportion has been fixed with reference to the "Dufferin".

Mr. Sarabhai Nemchand Haji : I shall explain the question. The question was this. Just as you have reserved a certain number of posts with regard to the engineering side, will you tell us the number of posts, the proportion of posts fixed for Indian candidates taken from the "Dufferin".

Mr. G. M. Young : I am afraid the identity of the second question with the first has altogether eluded me, so that I must ask him for notice of both.

THROWING OPEN OF THE BENGAL PILOT SERVICE TO CADETS OF THE "DUFFERIN."

633. ***Mr. Gaya Prasad Singh** : Will Government be pleased to say if the Bengal Pilot Service will be thrown open to the Cadets of the "Dufferin" after they have completed the necessary qualifying sea service ?

The Honourable Sir George Rainy : I would invite the attention of the Honourable Member to the Commerce Department Notification, No. 141-S. (12), dated the 9th June, 1928, published in the Gazette of India of the same date, containing the revised rules for the appointment of candidates to the Bengal Pilot Service. Under these rules, preference will be given to candidates who have passed through the Indian Mercantile Marine Training Ship "Dufferin".

COURSE OF TRAINING PRESCRIBED FOR CADETS OF THE "DUFFERIN."

634. ***Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the course prescribed for Cadets of the "Dufferin" is intended to prepare them more for the Bombay University Examination than for giving them a thorough theoretical and practical training so as to prepare them for a nautical career ?

(*b*) Do Government propose to consider the desirability of so revising the course of training on the "Dufferin" as to fit the Cadets to hold posts not merely in the Mercantile Marine, but also in the Indian Navy and the Royal Indian Marine, the Bengal Pilot Service, in the various Port Trusts, Docks, Harbours and Lighthouses, in case the Cadets after completion of their course find it inconvenient either for reasons of health or due to other causes to continue the actual nautical career ?

The Honourable Sir George Rainy : (*a*) No, Sir.

(*b*) So far as Government are aware, the present course of training on the "Dufferin" is well suited to prepare cadets for any nautical employment.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

HIGH HOUSE RENTS IN DELHI.

551. ***Lala Rang Behari Lal** : Will Government be pleased to state if they are aware of the fact that in Delhi house rent is high and that it is difficult to secure suitable houses at fairly high rents ?

Mr. A. A. L. Parsons : Government understand that there is some difficulty in obtaining accommodation in Delhi, and proposals are being formulated for housing the large number of clerks who have recently come to the Clearing Accounts Office there.

SEPARATION OF AUDIT FROM ACCOUNTS ON THE NORTH WESTERN RAILWAY.

574. ***Lala Rang Behari Lal** : 1. Will the Government be pleased to state if it is proposed to separate " Audit " from " Accounts " on the North Western Railway ? If so, is this system more economical than the present one ?

2. (*a*) Are the Government aware of the fact that there exist at present in the Divisions under the supervision of qualified accountants, accounts branches in the office of Divisional Superintendents under the North-Western Railway ?

(*b*) Will the Government state what shall be the status of these qualified accountants, who are in most cases drawing salaries, drawn by the senior accountants in the Audit Department, under the new scheme ?

3. Will the Government be pleased to state if they are aware of the fact that the qualified accountants, sub-heads and clerks working in the existing accounts branches, are doing executive accounts work ; whereas the Audit staff likely to be transferred to a new Accounts Department, possess merely routine audit knowledge ?

4. Do Government propose to earmark some posts of Assistant Accounts Officers for the qualified accountants in the Divisional Superintendent's Office ?

5. Are Government prepared to keep in view at the time of the formation of the new accounts offices that the sub-heads and clerks in the existing accounts branches are not allowed to be superseded by audit sub-heads and clerks ?

Mr. A. A. L. Parsons : 1. The Reply to both parts of the question is in the affirmative.

2 to 5. If separation is given effect to, the question of utilising the staff referred to in the accounts department if suitable will be considered, but Government cannot undertake to earmark any posts for them. The relative seniority of such as are taken will be carefully considered at the time of their appointment.

ALLEGED MISUSE OF A SECOND CLASS CARDPASS BY MR. ASHWOOD, OFFICE SUPERINTENDENT IN THE OFFICE OF THE DIVISIONAL SUPERINTENDENT, DELHI, NORTH WESTERN RAILWAY.

575. ***Lala Rang Behari Lal** : (*a*) Is it a fact that Mr. A. C. Ashwood, a guard on the North-Western Railway, in receipt of Rs. 110 as salary, was selected for the post of Office Superintendent, carrying a salary of Rs. 400—20—500 in the office of the Divisional Superintendent in Delhi ?

(*b*) Has the attention of the Government been drawn to a note in the *Hindustan Times* of the 25th August 1928, relating to the misuse of a second class card-pass by the same Mr. Ashwood ?

(*c*) If so, will the Government be pleased to state what action, if any, had been taken in the matter ?

Mr. A. A. L. Parsons : (*a*) This appointment rests with the Agent and is made by selection. Government are not aware whether any change has recently taken place in the incumbency.

(*b*) and (*c*). The copy of the newspaper mentioned by the Honourable Member has been examined, but contains no such allegation.

OUTFIT, MAINTENANCE AND TRAVELLING ALLOWANCES OF OFFICERS OF UNIVERSITY TRAINING CORPS.

576. ***Lala Rang Behari Lal** : 1. Will the Government be pleased to state the steps that they contemplate taking for the organisation of the projected second company of the Delhi University Training Corps ?

2. Will the Government be pleased to state if it is a fact that the University Training Corps officers get an outfit allowance of Rs. 100 only on first appointment, and an allowance of Rs. 200 subsequently on passing the retention examination ?

3. Are the Government aware that Rs. 100 is absolutely insufficient for the purchase of an officer's complete uniform and equipment ?

4. Is it a fact that the University Training Corps officers get no maintenance allowance ? If so, do Government propose to consider the advisability of introducing an allowance for the University Training Corps officers on the lines of the Army in India Reserve of Officers ?

5. Is it a fact that the University Training Corps officers were granted a travelling allowance for distances over 2 miles from the place of parade on a special consideration of the fact that they got no other allowances, and that the same travelling allowance has now been discontinued (by the Controller, Military Accounts, Meerut District) ?

6. In view of the above facts, do Government propose to reconsider the question of the granting of travelling allowance to University Training Corps officers at an early date ?

Mr. G. M. Young : 1. The unit has been constituted and orders for its formation have already been issued.

2. Yes.

3. Yes, but this sum is not intended to cover the cost of an officer's complete uniform and equipment. Government will consider the possibility of arranging that the whole amount of Rs. 300 should be paid on first appointment, subject to certain conditions as to refund if the officer relinquishes his commission within a certain time.

4. Presumably the Honourable Member is referring to the grant of a retaining fee. Government have no intention of introducing any such allowance for King's commissioned officers of either the Auxiliary Force or the Indian Territorial Force.

5. Travelling allowance for journeys to and from casual parades is not admissible to officers of the Auxiliary Force or the Indian Territorial Force.

6. This recommendation will be considered along with other minor recommendations of the Auxiliary and Territorial Forces Committee as soon as funds are available.

MESSAGE IN THE *Pioneer* OF THE 3RD SEPTEMBER, 1928, UNDER THE HEADING "AMARNATH PILGRIMS IN DISTRESS."

596. ***Mr. M. S. Aney** : Has the attention of the Government been drawn to the message published in the *Pioneer* of the 3rd September 1928 under the heading "Amarnath pilgrims in distress" ?

2. Will the Government be pleased to publish the following information :

(*a*) Total number of pilgrims who died ?

(*b*) The number of pilgrims who stand in need of relief ?

(*c*) Steps, if any, taken by the Government of India for the relief of the surviving pilgrims who might have been rendered helpless to enable them to return to their native places ?

3. If the Government of India have not yet taken any steps, will the Government be pleased to state what steps they propose to take to give relief to the aforesaid suffering pilgrims ?

Sir Denys Bray : Information has been called for from the Resident in Kashmir and I will pass it on to the Honourable Member as soon as it is received.

UNSTARRED QUESTIONS AND ANSWERS.

PAY OF CLERKS OF THE OFFICE OF THE CHIEF AUDITOR, NORTH WESTERN RAILWAY.

350. **Pandit Thakur Das Bhargava** : (*a*) Is it a fact that there are two scales of pay for clerks in the Chief Auditor's Office, North Western Railway ?

(*b*) If the answer is in the affirmative will the Government kindly state the respective starting and ultimate pay of each class ?

(*c*) Is it a fact that the scales were revised in 1922 ?

(*d*) Is there any special distinction or difference in the work allotted to the clerks of class I and class II in the various sections of the office ?

(*e*) Is it a fact that the pay and prospects of the superior class are disproportionately better than the pay and prospects of the inferior class considering the distinction or difference if any in the work of the two classes ?

(*f*) Has any memorial or petition been received by the Auditor General, Bodyguard Lines, New Delhi, on behalf of clerks of the 2nd class ?

(*g*) If so, what reply if any has been given ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). The two scales of pay in the Chief Auditor's Office are :

Class I	..	Rs. 60—4—120—5—145. (efficiency bar at Rs. 100).
Class II	..	Rs. 39—3—69—6|5—75.

(*c*) These scales were sanctioned in 1922.

(*d*) and (*f*). The reply is in the affirmative.

(*e*) This question is now under the consideration of the Auditor General.

(*g*) The Auditor General is considering the memorials and the recommendation of the Accountant General, Railways, and no reply has yet been given.

CONTINUANCE OF THE SYSTEM OF FORCED LABOUR FROM MEMBERS OF THE DEPRESSED CLASSES IN DELHI, AJMER-MERWARA, ETC.

351. **Pandit Thakur Das Bhargava** : Are the Government aware that the system of Begar (forced labour from members of the depressed classes) is still in vogue in Delhi, Ajmer-Merwara and other provinces of India ?

Mr. G. S. Bajpai : Full information has already been furnished to one House or the other of the Central Legislature in respect of the system of *begar* or forced labour so far as it prevails in various provinces in India. I would invite the Honourable Member's attention to :

(*a*) the reply given in the Legislative Assembly on the 11th February, 1924, to the Honourable Mr. V. J. Patel's question No. 234 ;

(*b*) the reply given in the Council of State on 12th September, 1927, to the Honourable Sir Haroon Jaffer's question No. 116 ; and

(*c*) my reply to Khan Bahadur Sarfaraz Hussain Khan's question No. 156 in the Legislative Assembly on the 1st March, 1928.

REMOVAL OF INCOME-TAX OFFICERS FROM THEIR OFFICE BY THE COMMISSIONERS OF INCOME-TAX.

352. **Pandit Thakur Das Bhargava** : Is it a fact that the Income-tax Officers are removable from their office by the Commissioners of Income-tax ?

The Honourable Sir Bhupendra Nath Mitra : Yes, subject to the officers' right of appeal to the Governor in Council of the Province concerned.

REVISION OF THE RULES RELATING TO THE REFUND OF MONEY IN RESPECT OF LOST OR TORN CURRENCY NOTES.

353. **Pandit Thakur Das Bhargava** : (*a*) Have the rules in regard to the refund of money in respect of lost or torn currency notes been lately changed ?

(*b*) Is it correct that according to the existing rules a person in possession of a half portion of the note is entitled to a refund of half the amount of the note and the Currency Office is under no obligation to give information to the claimant of the lost note in respect of any claim made by the person in possession of the other half portion of the note ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) If the half note is part of a note the denomination of which does not exceed Rs. 10, no claim is entertained. If it is part of a note the denomination of which exceeds Rs. 10, the position is regulated by rules 11, 13 and 14 of the Currency Notes (Refund) Rules, 1921 (published in the Gazette of India, dated the 26th November, 1921), as amended by the Finance Department Notification, dated the 19th May, 1927, (published in the Gazette of India of the 21st idem). In this latter case, the position is substantially as stated by the Honourable Member.

TRANSFER OF HIGH EXECUTIVE AND JUDICIAL OFFICERS IN AJMER-MERWARA.

354. **Pandit Thakur Das Bhargava** : (*a*) Is it a fact that high executive and judicial officers in Ajmer-Merwara are like permanent fixtures and hold their offices for a number of years without transfer and apprehension of such transfer ?

(*b*) Do the Government propose to take steps to arrange that the incumbents of high executive and judicial posts in Ajmer-Merwara may hold their posts for particular periods of time (as in other provinces of India) after the lapse of which transfer to some other area may be compulsory ?

Sir Denys Bray : Ajmer-Merwara is a small area with a self-contained local cadre. Transfers as between the posts within the Province are effected when necessary in the interests of public service. It is not considered that any particular advantage would accrue from prescribing a limited tenure for these posts.

ALLEGATIONS AGAINST A GUARD OF HAVING ATTEMPTED TO OUTRAGE THE MODESTY OF A CHRISTIAN WOMAN.

355. **Pandit Thakur Das Bhargava** : (*a*) Has the attention of Government been drawn to a statement made in a vernacular newspaper published at Saharanpur called *Parivartan* in its issue of 8th May 1928 in which a complaint had been made against a guard having attempted to outrage the modesty of a Christian woman ?

(*b*) Are the facts stated in that article correct ?

(*c*) If so, what action have Government taken to bring the offender to book ?

Mr. A. A. L. Parsons : Government have not seen the article referred to and are consequently unable to say whether the facts stated in it are correct or not. They have ascertained, however, that an officers' enquiry was held into some such incident as appears from the Honourable Member's question to have formed the subject matter of the allegations in the article, and the decision was that the charge was not proved.

PUBLICATION OF AN ATTACK ON HINDUS BY THE MUHAMMADAN AHMADI PAPER *Sunrise*.

356. **Pandit Thakur Das Bhargava** : (*a*) Has the attention of the Government been drawn to the publication of an attack on Hindus by a Muhammadan Ahmadi paper *Sunrise* by name in its issue of 23rd July 1928 ?

(*b*) What action, if any, have Government taken against the paper ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) The Local Government concerned will no doubt consider the propriety of taking action, if any action appears to be called for.

OPENING OF A RAILWAY BETWEEN JIND AND HANSI *via* NARMAUND.

357. **Pandit Thakur Das Bhargava** : Have the Government ever been pleased to consider the advisability of opening a railway line between Jind (State) and Hansi (Hissar District in the Punjab) *via* Narmaund ? If so, with what result ?

Mr. A. A. L. Parsons : No such project has hitherto been considered.

RAILWAY LINE BETWEEN THANESAR AND JAGADHRI.

358. **Pandit Thakur Das Bhargava** : By what time will the railway line between Thanesar and Jagadhri be completed and opened for public traffic ?

Mr. A. A. L. Parsons : It has been found on investigation that the line cannot be financially justified. The proposal has therefore been dropped.

OPENING OF A BROAD GAUGE RAILWAY LINE BETWEEN JAKHAL AND SIRSA *via* FATEHABAD.

359. **Pandit Thakur Das Bhargava** : Did the Punjab Government recommend to the Railway Board the opening of a broad gauge railway line between Jakhal and Sirsa *via* Fatehabad (Hissar District in the Punjab) ?

Mr. A. A. L. Parsons : The Punjab Government recommended the examination of a project for a broad gauge connection from Jakhal *via* Fatehabad to Bhattu or Sirsa in July 1927.

OPENING OF A METRE GAUGE RAILWAY BETWEEN JAKHAL AND BHATTU *via* FATEHABAD.

360. **Pandit Thakur Das Bhargava** : (*a*) Did the Railway Board ever consider the possibility and suggestion of connecting Jakhal and Bhattu *via* Fatehabad by the metre gauge ?

(*b*) How long has the matter of connecting Bhattu and Jakhal *via* Fatehabad been pending before the Railway Board and when can it be expected to be decided ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The project has been under the Railway Board's consideration since April 1927, and the question of its construction on the broad gauge is at present under investigation.

INTRODUCTION OF A UNIFORM MEASURE OF WEIGHT.

361. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the necessity of introducing a uniform standard of measure of weight was admitted by the Agriculture Commission and advocated by the Lucknow Session of the All-India Economic Conference ?

(*b*) If so, will the Government be pleased to state, what action, if any, has been taken to introduce a uniform standard of measure of weight in British India ? Do the Government propose to introduce any Bill on the subject ?

The Honourable Sir George Rainy : The recommendation of the Agricultural Commission is under consideration. The Government of India have not seen the proceedings of the Lucknow Session of the All-India Economic Conference.

REMOVAL OF THE POST OFFICE AT COONOOR FROM "MINSTED" TO "ROSE HALL."

362. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Post Office at Coonoor in the Nilgiri Division was shifted to the present building "Rose Hall" before the expiry of the lease of the old building "Minsted" ? If so, who paid the rent for the old building up to the date of expiry of the lease ?

(*b*) Is it a fact that the staff of the Maharaja of Pithapuram was occupying the old Post Office building in the months of May and June 1928 ? If so, what was the rent collected from them and credited to the accounts ?

Mr. P. G. Rogers : (*a*) Yes. The owner of "Rose Hall" paid the rent of the old building up to the date of expiry of the lease.

(*b*) Government have no information.

ALLEGATIONS AGAINST THE POSTMASTER OF COONOOR.

363. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Postmaster of Coonoor was giving all sorts of trouble to the clerks occupying the quarters allotted for them in the Post Office building ? Was this fact brought to the notice of the Divisional Superintendent ? What action has the Superintendent taken in the matter to prevent the Postmaster from interfering in the private affairs of the clerks ?

(*b*) Is it a fact that one Superintendent wrote in the office order book that no member of the clerk's family except his wife and children must remain with him in the quarters ?

Mr. P. G. Rogers : The Government have no information. It is open to the aggrieved persons to represent the matter through the usual channel.

PRESENT TIME SCALE OF PAY OF THE LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

364. **Mr. Amar Nath Dutt** : (*a*) Will the Government please state when the present time-scale of pay of the lower division clerks of the Accountant General, Posts and Telegraphs, was introduced ?

(*b*) Will the Government please state how many times the lower division men under the Accountant General, Posts and Telegraphs, have submitted their memorials since the introduction of the present scale and what were the steps taken by the Government ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The 1st March, 1924.

(*b*) The attention of the Honourable Member is drawn to the final reply given to question No. 1242 by Mr. Jogiah on the 26th March, 1927, a copy of which will be found in the Library.

TIME SCALE OF PAY FOR SENIOR POSTMEN.

365. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that a time-scale of pay of Rs. 50-0-0 to Rs. 100-0-0 has been sanctioned for the senior postmen ?

(*b*) If the answer be in the affirmative, do the Government propose to revise the lower division scale in near future ?

(*c*) If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) It is presumed that by senior postmen the Honourable Member means head postmen. If so, it is a fact that a time scale of pay of Rs. 50—5—100 has been sanctioned for the head postmen in Calcutta.

(*b*) and (*c*). The attention of the Honourable Member is drawn to the final reply given to question No. 1242 by Mr. Jogiah on the 26th March, 1927.

PAY OF LOWER DIVISION CLERKS OF THE OFFICE OF THE ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

366. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that an uniform scale of Rs. 40-0-0 to Rs. 80-0-0 has been sanctioned for all the lower division men under the Accountant General, Posts and Telegraphs ?

(*b*) Is it a fact that no such uniformity has been maintained in the upper division scale under the same official ?

(*c*) If the answer be in the affirmative, do the Government propose to revise the lower division scale on that basis ?

(*d*) If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The attention of the Honourable Member is drawn to the final reply given to question No. 677 asked by him on the 7th September, 1925, a copy of which will be found in the Library.

RETIREMENT OF MEMBERS OF THE CLERICAL ESTABLISHMENT OF THE RAILWAY BOARD.

367. **Mr. Amar Nath Dutt** : With reference to the reply given in this House to starred question No. 1411 on 24th March, 1926, regarding the retirement of members of the clerical establishment of the office of the Railway Board, will Government be pleased to state whether any decision has since been arrived at, and, if so, what ?

Mr. A. A. L. Parsons : Yes. In addition to the men who were prematurely retired a further reduction of five posts has been effected.

EXEMPTION OF THE RAILWAY BOARD FROM THE RULES GOVERNING RECRUITMENT OF STAFF THROUGH THE STAFF SELECTION BOARD.

368. **Mr. Amar Nath Dutt** : (*a*) With reference to the reply given in this House to starred question No. 1402 on 24th March, 1926, will Government be pleased to state since when the Railway Board became free from the operations of the Staff Selection Board ?

(*b*) Was it ever officially announced either by the Railway Board or by the Staff Selection Board or by the Home Department ? If so, when and where ?

(*c*) Is there any other department or attached office under the Government of India which has been similarly exempted ? If not, what are the reasons for exemption in the case of the Railway Board ?

(*d*) In what respect does the ordinary clerical work of the Railway Board differ from that of other offices ?

Mr. A. A. L. Parsons : (*a*) In March 1925.

(*b*) No.

(*c*) The answer to the first part of the question is in the affirmative. The second part does not arise.

(*d*) The work is of a specialised and technical nature.

RECRUITMENT OF CLERICAL STAFF FOR THE OFFICE OF THE RAILWAY BOARD.

369. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that recruitment of unpassed men was allowed as a special concession to posts requiring technical or special qualifications subject to the previous approval of the Home Department ? If so, why were not the regulations of the Staff Selection Board made applicable in the case of recruitment of clerical staff for the office of the Railway Board ?

(*b*) In how many cases was the approval of the Home Department obtained ?

Mr. A. A. L. Parsons : (*a*) The reply to the first part of the question is in the affirmative. As to the second part, general exemption has been granted in view of the fact that recruitment of men with technical qualifications is not an exceptional feature in the case of the Railway Department as in other Departments.

(*b*) Does not arise.

RECRUITMENT OF THE CLERICAL STAFF FOR THE OFFICE OF THE RAILWAY BOARD.

370. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Railway Board was not excluded from the operations of the Staff Selection Board in the notifications regarding their examinations issued by that body for the information of the public in 1920, 1921 and 1922 ?

(*b*) Is it also a fact that a number of permanent men in the second division and many temporary men of the Railway Board were sent in to qualify themselves for the upper division appointments of the Board's office, of whom a good number failed ?

(*c*) If the answers to (*a*) and (*b*) be in the affirmative, will Government be pleased to state why this was done if the Railway Board is free to recruit its clerical staff independent of the Staff Selection Board ?

(*d*) Has the nature of the clerical duties in the Railway Board undergone a radical change since 1922 ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) A certain number of the Board's staff sat voluntarily for the examination and some were unsuccessful.

(*c*) Exemption had not been granted to the Railway Board at that time.

(*d*) No.

TOTAL STRENGTH OF THE CLERICAL STAFF OF THE OFFICE OF THE RAILWAY BOARD ON THE 31ST JANUARY 1927.

371. **Mr. Amar Nath Dutt** : With reference to the reply given in this House to starred question No. 634 on 2nd February, 1925, will Government be pleased to state what was the total clerical strength on 31st January 1927 in the 1st, 2nd and 3rd divisions on the permanent establishment in the Railway Board, and what was the number of temporary clerks on that date ?

Mr. A. A. L. Parsons : The total clerical strength on the 31st January, 1927, was 30 in the 1st Division, 43 in the 2nd Division and 32 in the 3rd Division. There were 14 temporary clerks filling vacancies caused by men who had proceeded on deputation.

RECRUITMENT FOR LEAVE VACANCIES IN THE CLERICAL ESTABLISHMENT OF THE OFFICE OF THE RAILWAY BOARD.

372. **Mr. Amar Nath Dutt** : Is it a fact that men are recruited in leave vacancies in the clerical establishment of the Railway Board ? If so, will Government please state the reason for continuing this practice in spite of the statement made in reply to starred question No. 634 on 2nd February 1925 ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative, and the second part does not arise.

RECRUITMENT OF OUTSIDERS AS CLERKS IN THE OFFICE OF THE RAILWAY BOARD.

373. **Mr. Amar Nath Dutt** : (*a*) How many clerks were recruited in the Railway Board's office from outside during the past two years ?

(*b*) How many of them were required to fill in posts in which technical qualifications outside the scope of the Staff Selection Board were necessary ?

Mr. A. A. L. Parsons : (*a*) I am not sure what the Honourable Member means by recruitment from outside, but if he is referring to recruits who were not obtained from the Staff Selection Board, the number engaged from the 1st of September, 1926, to the 31st of March, 1928, to fill vacancies in permanent posts in the Board's office was 32.

(*b*) 14 of these men had special technical qualifications and of the remainder, a good many were appointed to fill short term vacancies.

ARTICLE IN THE *Forward* OF 3RD FEBRUARY, 1926, HEADED "RAILWAY BOARD'S MISMANAGEMENT."

374. **Mr. Amar Nath Dutt** : Has the attention of the Government been drawn to an article headed "Railway Board's mismanagement" which appeared in the *Forward* of 3rd February 1926 ? If so, will Government be pleased to state whether the allegations made in the last paragraph thereof are correct ? If so, what if any, action has been taken by the Government ?

Mr. A. A. L. Parsons : I have not been able to get hold of a copy of this back number of the periodical mentioned.

STAY IN SIMLA THROUGHOUT THE YEAR OF THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

375. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the annual move of the Government of India offices including the Branches of Army Headquarters to and from Simla is determined primarily by climatic considerations ?

(*b*) Is it also a fact that since the allotment to the civil departments and their attached offices of the Secretariat Buildings at New Delhi, the old Secretariat Buildings at Old Delhi are allotted to the Branches of Army Headquarters and the Military Finance Department ?

(*c*) With reference to the reply given in this House on 13th September 1927 to clause (*b*) of starred question No. 927, will Government be pleased to state why except the Master General of Supply Branch all other Branches of Army Headquarters get the accommodation required at Old Delhi ?

(*d*) Is it a fact that the Master General of Supply never asked for accommodation in Delhi even for a portion of his staff ?

(*e*) If the reply to (*a*) above is in the affirmative, will Government be pleased to state whether the staff of the Master General of Supply Branch are not affected by their stay in Simla all throughout the year ?

Mr. G. M. Young : (*a*) The annual move of the Government of India offices, including branches of Army Headquarters, to Simla, for the hot weather, is determined primarily by climatic considerations.

(*b*) A portion of the Secretariat Buildings at Old Delhi has been temporarily allotted to Branches of Army Headquarters and certain sections of the Military Finance Branch until they can be moved to New Delhi.

(*c*) The Master General of Supply Branch, like other Branches of Army Headquarters, has been given the accommodation it requires at Old Delhi.

(*d*) No, Sir.

(*e*) Not adversely affected. The climate of Simla in the winter is considered healthy and bracing.

REPORT OF MR. HESELTINE ON THE CLERICAL ESTABLISHMENTS OF THE ARMY HEADQUARTERS.

376. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to the articles under the headlines, "Simla News—Army Retrenchment, Hardworked Indians"—which appeared in the Simla Edition of the *Hindustan Times* of the 17th April, 1928 ?

(*b*) Will Government please state whether in his Report on the clerical establishments of the Army Headquarters, Mr. Heseltine has, *inter alia*, remarked :

(*i*) That a large percentage of clerks employed at Army Headquarters is in excess of requirements ?

(*ii*) That the Indian clerks employed in Army Headquarters are made to work hard, and in fact they are the real workers ?

(*iii*) That the highly paid European clerks (technical, military soldier and *ex*-soldier clerks) are merely luxury clerks who have very little work ?

(*c*) Is it a fact that the heads of Branches and other European officers of the Army Headquarters have resented the above remarks ? If so, on what ground ?

(*d*) Is it also a fact that an *ex*-soldier officer of the Military Finance Department has been deputed to examine and report on the above remarks ?

(*e*) Is it a fact that the report submitted by Mr. Heseltine is still being treated by the Establishment Officer as a confidential document ? If so, why ?

Mr. G. M. Young : (*a*) Yes.

(*b*) to (*d*). The Report deals with questions of administrative economy within Branches of Army Headquarters : it is still under departmental consideration, and Government have no intention at present of submitting it to public discussion. I may add, however, that the information conveyed to the Honourable Member is far from accurate.

(*e*) For the reasons given above, the report is confidential, and is, or should be, treated as such by anyone who has official access to it.

CREATION OF A LEAVE RESERVE FOR THE BRANCHES OF ARMY HEADQUARTERS.

377. **Mr. Amar Nath Dutt** : (*a*) With reference to the reply to starred question No. 925 of the 13th September, 1927, will Government be pleased to state whether any decision has yet been arrived at in regard to the creation of a leave reserve for the Branches of Army Headquarters ?

(*b*) If not, will Government please say when the decision is likely to be arrived at ?

(*c*) Is it a fact that a large number of temporary and officiating clerks in Army Headquarters are awaiting confirmation on the creation of the leave reserve ?

Mr. G. M. Young : (*a*) No.

(*b*) When the report of the officer referred to in question No. 925 of 13th September, 1927, has been fully examined.

(*c*) The creation of a leave reserve would naturally increase the numbers of the permanent establishment, but no guarantee can be given as to the precise composition of the reserve.

DIRECT CABLE CONNECTION BETWEEN LONDON AND INDIA.

378. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Englishman* of the 27th August 1928, page 9, under the heading " Direct Cable System—Features of new rapid service—Automatic working "?

(*b*) If so, will Government please state if it is a fact that London is now in direct touch with India without any retransmission of messages being required at intermediate points ?

Mr. P. G. Rogers : (*a*) and (*b*). Yes.

TOWN INSPECTORS OF POST OFFICES IN CALCUTTA.

379. **Mr. Amar Nath Dutt** : 1. (*a*) Has the attention of the Government been drawn to the editorial comments in the issues of the *Amrita Bazar Patrika* dated the 15th and the 22nd May, 1928, and the 8th and the 23rd June 1928 regarding the cases of the Town Inspectors of Post Offices in Calcutta ?

(*b*) If so, what action has been taken by the Government to remedy the grievances complained of ?

2. Has the attention of the Government been drawn to page 308 of *Labour*, dated October 1927, regarding the endorsement of the Government Orders II P. T. E., dated the 16th September 1927, by the Postmaster-General, Bengal in his No. A.-94, dated the 17th October 1927, to the address of the Presidency Postmaster, Calcutta, and the First Class Head Postmasters in the Bengal Circle, calling for a report in the spirit of the aforesaid Government Orders regarding the suitability of their direct subordinates ?

3. Has the attention of the Government been drawn to the reports of the Presidency Postmaster, Calcutta, and the First Class Head Postmasters regarding the suitability of the then permanent Town Inspectors, as stated at page 7 of the General Letter No. 3, dated July 1928, from the Association of All-India Postal Town Inspectors, India and Burma ?

4. Is it a fact that the reports of the Presidency Postmaster and the First Class Postmasters were called for by the Postmaster General, Bengal ? If so, what action has been taken upon the reports ?

5. Is it a fact that the appeals from the Town Inspectors who had been made to revert to the clerical line have been recommended by their immediate superiors for their retention in their substantive posts of Postal Town Inspectors and is it also a fact that the Director-General, Posts and Telegraphs, has also recommended their case to the Government of India ? If so, what action, if any, has been taken on the same ?

The Honourable Mr. A. C. McWatters : Government have seen some but not all of the papers mentioned by the Honourable Member. Representations from Town Inspectors and others regarding the operation of the orders relating to the appointments of Town Inspectors have been received and are at present under my consideration.

REMOVAL OF THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA, FROM RANCHI TO PATNA.

380. **Mr. Gaya Prasad Singh** : (*a*) With reference to my starred question No. 708 of the 31st August, 1927, regarding the desirability of removing the office of the Commissioner of Income-tax, Bihar and Orissa, from Ranchi to Patna, have the Government received any representation from the Bihar and Orissa Chamber of Commerce on the subject, in which the Committee point out that Ranchi is an out of the way, inaccessible place, while Patna is the most suitable centre, and the offices dealing with the heavier assessments as also the largest in number are situated in Bihar, and proper legal help is not available at Ranchi ?

(*b*) Is not the main function of the Commissioner of Income-tax the supervision of district offices, and the hearing of appeals and is it a fact that it can be more efficiently performed at Patna ?

(*c*) Do Government propose, both from the point of view of administrative efficiency, and public convenience, to remove the office of the Commissioner of Income-tax from Ranchi to Patna ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The supervision of district offices and the hearing of appeals are among the main functions of the Commissioner of Income-tax. As to the headquarters of the officer who has to perform these functions in Bihar and Orissa, the Government are not satisfied that the selection of Patna instead of Ranchi would make any appreciable difference in efficiency for reasons stated in my predecessor's reply to the Honourable Member's previous question No. 708 of 31st August, 1927.

(*c*) No.

TOTAL QUANTITY OF COAL PROVIDED FOR HOT WATER FOR BATHS IN THE CART ROAD QUARTERS, SIMLA, LAST YEAR.

381. **Mr. Gaya Prasad Singh** : Will Government kindly state the total quantity of coal with its actual price, provided for hot water for baths in the Cart Road quarters last year ?

The Honourable Mr. A. C. McWatters : A total quantity of 180 maunds of charcoal at an actual price of Rs. 461 was provided for hot water for baths in the Cart Road quarters last year.

DESPATCH RELATING TO THE CONSTITUTION OF A SEPARATE OFFICE FOR THE LEGISLATIVE ASSEMBLY.

The Honourable Mr. J. Crerar (Home Member) : Sir, I lay on the table the Government of India's despatch of the 26th July, 1928, to the Secretary of State, relating to the constitution of a separate self-contained

[Mr. J. Crerar.]

office of the Legislative Assembly. Copies will be circulated to Honourable Members this afternoon.

No. 2 OF 1928.

GOVERNMENT OF INDIA.

LEGISLATIVE DEPARTMENT.

ASSEMBLY.

To

THE RIGHT HONOURABLE THE EARL OF BIRKENHEAD,

His Majesty's Secretary of State for India.

Simla, the 26th July 1928.

SUBJECT.—*Constitution of a separate self-contained office of the Legislative Assembly.*

MY LORD,

WE have the honour to address you on the subject of the separation of the Legislative Assembly staff from the Legislative Department. Your Lordship is doubtless aware that, under the system which has been in force from the introduction of the Montagu-Chelmsford Reforms the administrative and clerical work of both Chambers of the Indian Legislature has been carried on by the Legislative Department. The Secretary to the Government of India in the Legislative Department is, by order of the Governor General passed under rule 5 of the Indian Legislative Rules, Secretary of both Chambers; Joint and Deputy Secretaries in the Legislative Department are by a similar order Assistants to the Secretary of the Assembly and of the Council of State and the clerks at the table for both Chambers are supplied from among their number, while the whole of the clerical establishment is provided from the ministerial staff of the Legislative Department. From time to time the question of having a separate establishment for the Assembly has been raised in that Chamber and in Appendix A a detailed index of these references prior to the last session has been compiled. Questions were asked again in the last session and notice was given of a resolution in the following terms:

> "This Assembly recommends to the Governor General in Council that he be pleased to take immediate steps to give effect to the proposals submitted by the Honourable the President for the creation of a separate Secretariat for the Legislative Assembly with such modifications as may be deemed necessary having due regard to the dignity and importance of the House."

The notice was given by fifteen members of the Assembly, among whom were members of the Congress, Nationalist and Independent Parties. The resolution was not entered in the ballot and neither of the relevant grants was reached in the voting of demands. In fact no decision has ever been reached in the Assembly, but this may be attributed to the fact that the vote for the Legislative bodies is generally not reached in the discussion stage of the voting of demands. The view of Government was definitely stated on the 1st February 1924, in reply to a question by Mr. K. C. Neogy, in the following terms:

> "The question was exhaustively examined after the Incheape Committee submitted its Report; and it has been decided that for the present in the interests both of economy and efficiency it is desirable that the business of the Legislature should continue to be conducted by the Legislative Department of the Government of India."

That answer was given with the concurrence of Sir Frederick Whyte, the first President of the Legislative Assembly; but since it was given the position has to a certain extent been changed by the appointment of an elected President.

2. It appears to be held in certain sections of the House that the independence of the elected President is threatened by the close contact into which he is brought with the official view owing to the fact that the Secretary of the Assembly is also Secretary of the Legislative Department, and, as such, a member of the Legislative Assembly. This view is not shared by us but we do not wish to appear to be resisting the wishes of the President supported by any section of the Assembly in this matter. It is our wish not only that the President should be independent but also

that there should be no room for the suggestion that the present constitution of the Assembly establishment is maintained with a view to curbing his independence. When, therefore, the President presented to Government in August 1927 a scheme for the separation of the Assembly establishment, which is attached to this despatch as Appendix B, we felt ourselves obliged, in examining it, to take into account the suggestion that the present system affected prejudicially the independence of the President, and we have reached the conclusion that the time has come for separating the Assembly establishment from the Legislative Department. In reaching this conclusion we have been influenced not only by the feeling that Government should not be subject to the charge however false of exercising an improper influence over the President but by other and more cogent reasons. In the first place, we may be said to have accepted publicly the principle of a separate establishment in the debates on the motions of Rao Bahadur Subrahmanayam in September 1922, and Mr. Ginwala on 15th March 1923, and though we might with reason continue to postpone the application of the principle for some time yet, we should certainly be met with a strong demand for a separate establishment when the new constitution comes into operation. It is in our view preferable to have the change made now at a time of comparative administrative ease than to await the introduction of the reformed constitution with all the administrative turmoil which must come with it. It is possible that the establishment now proposed by us will require enlargement to meet the needs of the new constitution but the addition to the existing organisation will be an easier matter than the setting up of a new organisaiton.

3. We have considered as an alternative the possibility of having an officer of the Legislative Department of lower rank than Secretary of the Department appointed to be Secretary of the Assembly by the Governor General. This would practically mean the separation within the Department for the period of the session of an establishment for the conduct of the business of the Assembly. We are satisfied, however, that such a procedure would not meet the wishes of the President and the Assembly and we think that it would be said, not without some justification, that a Secretary of the Assembly who was subordinate to the Secretary of the Legislative Department would be in a somewhat invidious position. So long as the Secretaries of the Departments of the Government of India are required to serve as members of either Chamber, the exercise by the Secretary of the Legislative Department of control over a Secretary of the Assembly who was in fact an officer subordinate to him in the Department would be apprehended and the cry would continue that the independence of the Chair was in danger.

4. Before we enter into the detailed examination of the scheme proposed by the President, we think it right to explain why we are not at the same time proposing to set up a separate establishment for the Council of State, or an establishment joint with that of the Legislative Assembly. In the first place, there has been no demand either from the President or from the members of the Council of State and so long as the President is appointed by the Governor General it is not expected that there will be any such demand. In the second place, owing to the feeling of jealousy which the Assembly entertains towards the Council of State, it would not be possible to have a joint establishment for the two Chambers. Lastly, the volume of work transacted by the Council of State is so much less than that transacted by the Assembly that it would in our opinion be an improper expenditure of the public funds to set up a separate establishment for the Council of State. With the separation of the Assembly staff according to our proposals it is possible to set against the new appointment of a Secretary to the Legislative Assembly the abolition of the appointment of Additional Joint Secretary in the Legislative Department, but it would not be possible to make any further reduction in the staff of the Legislative Department even though a separate Secretary were to be constituted for the Council of State.

5. We have accordingly reached the conclusion that for the present we should separate the staff of the Legislative Assembly only. The sanction of Your Lordship is required to the creation on a permanent basis of the new appointments of Secretary, Deputy Secretary and Assistant Secretary of the Legislative Assembly and to the abolition of the appointment of Additional Joint Secretary in the Legislative Department. As the last-mentioned post is borne on the cadre of the Indian Civil Service, its abolition will involve the reduction of the cadre of that Service by one superior and one inferior post.

6. The establishment which we propose for the new Assembly office is set out in Appendix C. It will be observed that the President in his scheme proposes a Secretary on Rs. 3,000 per month and a Deputy Secretary on Rs. 1,750 per month. We

propose that the pay of the Secretary should be Rs. 2,500 rising to Rs. 3,250 by annual increments of Rs. 75, and that the pay of the Deputy Secretary should be Rs. 1,500 rising to Rs. 2,000 by annual increments of Rs. 50. The reason for putting these two posts on an incremental pay is that the incumbents cannot look to any promotion outside the Assembly Office and that each will in the ordinary course hold his appointment for a long term of years.

7. The Secretary, and his Assistants under the titles of Deputy Secretary and Assistant Secretary, will be appointed by the Governor General under Rule 5 of the Indian Legislative Rules. The appointment of Secretary should be included in the list of posts in the upper grade qualifying for superior pension under Article 475-A. of the Civil Service Regulations. We also propose that the appointment should be added to those specified in Rule 98 of the Fundamental Rules. The incumbent of the appointment will ordinarily be domiciled in Asia, and in the absence of special provision he would be governed by the ordinary leave rules contained in the Fundamental Rules. As he will usually not obtain leave save during intervals between sessions of the Assembly, he should, we think, receive the more favourable treatment in the matter of taking short leave on full pay which is accorded to the officers to whom Rule 98 applies. An additional reason for this proposal is that in future the appointment is likely to be filled either direct from the Bar or by the succession of the Deputy Secretary who will probably himself have been recruited from the Bar, so that in either case the holder of the appointment of Secretary will have entered service at a comparatively advanced age. Acceptance of his proposal would automatically attract the provisions of Rule 56 (*c*) (iii) of the fundamental Rules; but while we are of opinion that the office is pre-eminently one in which long service will conduce to efficiency, we are not prepared to give the incumbent the right of serving till he reaches the age of sixty. In the event, therefore, of Your Lordship approving the inclusion of the appointment in Rule 98, we request you to exclude it expressly from Rule 56 (*c*) (iii).

8. In view of the rates of pay suggested, the proposed appointments of Deputy Secretary and Assistant Secretary also require Your Lordship's sanction. The principal duties of the Deputy Secretary will be to dispose of such work as the Secretary delegates to him and to be available to assist the President when the Secretary is engaged at the table or otherwise preoccupied, and lastly to take the place of the Secretary when the Secretary is engaged on work on behalf of the President or for any other reason is not in a position to sit at the table. Either the Secretary or the Deputy Secretary will be continuously at the table while the House is in session. We are not proposing that the post of Deputy Secretary should be created on a temporary basis because we are of opinion that in the earlier years at any rate the necessity for the post is clear, and if it is created on a temporary basis it will be difficult to obtain a suitable person to fill it. When, however, a vacancy arises by reason of the resignation of the first Secretary appointed, we shall consider whether it is necessary to continue the appointment of Deputy Secretary. The principal duties of the Assistant Secretary will be to supervise the office establishment outside the House, and in the House to keep a check on the course of amendments to legislation in order to ensure that Bills passed by the Assembly are printed up in the form in which they are passed.

9. On the question of the status of the new office we are not in agreement with the President or, so far as we understand, with the members of the Assembly who are asking for a separate establishment. The demand of the members of the Assembly has generally been expressed in the form of a demand for an establishment of their own independent of Government control and responsible only to the Assembly. This demand is reflected in the scheme of the President in the following sentence:

> "Moreover the members of the Assembly hesitate at present to ask the Legislative Department to get their own work done but with a separate office the position will be quite different and it is apprehended that there will be a good deal of extra work thrown on the new office".

In other words, it is anticipated by the President that the services of the separate establishment will be at the disposal of members for the preparation of questions, resolutions, bills, and any other work which the members may require of them. Again, the President describes his demand as a demand for an office of his own. Our view is that the establishment is to serve the Assembly in its collective capacity

and not the individual members of the Assembly. Equally, as Government furnishes a portion of the members of the Assembly and does its work through the Assembly, it is entitled to demand that the office of the Legislative Assembly shall not be the office of the President of the Legislative Assembly. Our proposal is that the office of the Legislative Assembly should, to all intents and purposes, be an independent office. The requirements of the constitution demand that it should be linked with the Imperial Secretariat and the natural status for it is that of an attached office, that is to say, an office attached to one of the Departments of the Government of India, at the head of which will be the Secretary of the Legislative Assembly. In reaching our conclusions as to the relations between the President and the Secretary of the Assembly we have been guided by what we understand to be the constitution of the establishment of the House of Commons. The Secretary of the Legislative Assembly will correspond to the Clerk of the House and the Deputy Secretary and the Assistant Secretary will correspond to the Clerks Assistant. The remaining members of the establishment will be appointed by the Secretary, in the first instance from the members of the Legislative Department who will be placed at his disposal for that purpose. Thereafter the establishment will be recruited by the Secretary of the Legislative Assembly in the manner in which the ministerial establishments of the Government of India Secretariat are recruited and will serve under precisely the same conditions in respect of pay, discipline and the like as those establishments. The Secretary of the Legislative Assembly will have the ordinary powers of the head of an attached office and the President of the Legislative Assembly will not have anything to do with the details of the administration of this office. The Secretary will be in close relations on the one hand with the President of the Legislative Assembly and on the other hand with the Leader of the House, but he will be subordinate to neither.

10. Our conclusion then is that the Office of the Legislative Assembly should be an Attached Office working under its own head, the Secretary, and administering itself. The Assembly Office will be attached to whichever Department of the Government of India it may be found most convenient to attach it, but in respect of matters involving expenditure and of all financial matters generally it will maintain direct relations with the Finance Department. It will be observed that in the President's scheme it is proposed that the President should frame the budget of the Assembly office and that the budget so framed should be accepted without question by the Department which presents it, and the position of the Chartered High Courts in this respect is cited as analogous. We are unable to accept this claim of the President either on behalf of himself or on behalf of the High Courts. A reference to paragraph 8 of the Letters Patent of the Calcutta High Court is sufficient for this purpose. The budgets of the High Courts are included under the provincial head "Administration of Justice" and in their preparation are liable to control in the case of the Calcutta High Court by the Governor General in Council and in the case of other High Courts by the Governor in Council. Naturally the views of the President of the Legislative Assembly on the financial provision required for the office as on all other important matters connected with the office will receive the closest attention but it would, in our opinion, be altogether inappropriate that the President of the Legislative Assembly, who is not an official, should be put in the position of official head of the Assembly Office. Paragraph 8 of the President's scheme sets out to deal with the position and status of the new office but it does not make it clear what degree of control over the office should be vested in the President. In conversation, however, it has been brought out that the intention of the President was that he should have control of the office, in fact that it should be his office and not the office of the Secretary. Failing that position being allotted to him he has claimed that he should have the same power of dismissal of members of the Assembly Office other than the Secretary, the Deputy Secretary and the Assistant Secretary, as is vested in the Speaker of the House of Commons over the staff of the Clerk of the House by Statute (52 Geo. III Cap. XI, Section 16). The view which the Government of India take is that the members of the Assembly office, both those now to be transferred from the Legislative Department and also those to be appointed later on to fill vacancies, must all be Government servants so long as there is a majority in the Assembly which may at any time be adverse to Government and, on the support of which the President must depend for his continuance in office. In the event at some future date of the Central Government being made responsible to the Legislature it may be possible, if the Assembly of that time thinks it desirable, either to exclude the members of the Assembly office from the civil service of the Crown subject, of course, to the maintenance of existing rights, or while retaining them in the civil service of the Crown, to subject them to different authorities for

the purposes of disciplinary control. Over the Secretary, the Deputy and Assistant Secretaries of the new office the President has not proposed that he should personally exercise disciplinary control but he was of opinion that those three officers should be liable to be removed by the Governor General on an address voted by the Legislative Assembly. When informed that the Government of India could not agree in existing circumstances to expose the servants of the Crown to such a contingency, he modified his demand to the extent of proposing that the Assembly should be enabled to vote an address to the Governor General, and the President, independently of the Assembly, should also be enabled to present a request to the Governor General, and that the result of either of those proceedings should be that the Governor General would hold or cause to be held an inquiry into the conduct of the officer concerned. We have not found ourselves able to accept either of these proposals for two reasons. In the first place the salaries of these officers will, unless they should happen, and this is not to be expected, to be persons appointed by, or with the approval of His Majesty, or of Your Lordship in Council, be votable and consequently the Assembly will have such control as is reasonable over them. In the second place, we consider that the President has an adequate remedy in his right of direct access to the Governor General, in exercise of which he will always be in a position to make representations to him against the conduct of the Secretary or the Deputy or Assistant Secretary.

11. We have stated above that we are asking Your Lordship's sanction to the abolition of the post of Additional Joint Secretary in the Legislative Department on the creation of the post of Secretary of the Legislative Assembly, our intention being that Mr. S. C. Gupta, the present incumbent of the post of Additional Joint Secretary in the Legislative Department, should be appointed to the post of Secretary of the Legislative Assembly—his initial pay in the post being fixed by the operation of rule 22 of the Fundamental Rules at Rs. 3,025 per mensem. We trust that the abolition of the appointment of Additional Joint Secretary will be permanent, but we cannot, of course, anticipate what will be the requirements of the Department under the new constitution and we must utter the warning that it is not unlikely that an additional temporary appointment of Additional Joint Secretary will be necessary for some time when the Government of India are considering the Report of the Statutory Commission and thereafter when they are putting into operation the scheme of the reformed constitution.

12. It will be observed that the scheme, both as submitted by the President and as revised by us, does not provide separately and expressly for the personal staff of the President. In effect the Marshal, a retired Indian Army officer, is of that staff as also is one stenographer who has the title of Personal Assistant to the President and is really the private secretary of the President. There are also certain *chaprasis* who are attached to the President. We propose, and the President agrees, that he should select his Personal Assistant from the stenographers in the Assembly Office and that the Assembly Office should place at his disposal *chaprasis* in suitable numbers. The Marshal will continue to be appointed by the Governor General in Council. Neither our scheme nor that of the President provides for the appointment of a separate Legal Adviser for the President. The question of obtaining independent legal advice for the President is likely to come up, but the President has so far made no proposal, and as he has expressed a desire that the Assembly Office scheme should be settled without delay, we have not thought fit to await his proposals for the appointment of a Legal Adviser. At present it seems unlikely that the President would be in a position to secure the whole-time services of Counsel, and it is more probable that he will ask for a sum to be provided in the budget to meet the expenses of consulting Counsel from time to time.

We have the honour to be,

MY LORD,

Your Lordship's most obedient, humble servants,

(Signed) B. N. MITRA.
" MD. HABIBULLAH.
" G. RAINY.
" J. CRERAR.
" D. F. MULLA.

APPENDIX A TO THE DESPATCH.

Statement showing occasions when the question of a separate office establishment for President, Legislative Assembly, was discussed.

No.	Date.	Where subject was raised.	By whom.	References.	Remarks.
1	5th Mar. 1921	Assembly	Mr. E. L. Price (Resolution).	Assembly Debates, Vol. I, Part I, page 595.	
2	22nd Sep. 1921	Do. ..	Dr. (now Sir) Hari Singh Gour.	Assembly Debates, Vol. II, page 829 (Unstarred question No. 2).	
3	16th Mar. 1922	Do. ..	Mr. P. P. Ginwala ..	Assembly Debates, Vol. II, Part III, page 3166.	
4	Do.	Do. ..	Dr. (now Sir) Hari Singh Gour.	Assembly Debates, Vol. II, Part III, page 3167.	
5	Do.	Do. ..	Mr. President (The Hon'ble Sir F. Whyte).	Assembly Debates, Vol. II, Part III, page 3169.	
6	22nd Sep. 1922	Do. ..	Rao Bahadur C. S. Subrahmanyam (Resolution).	Assembly Debates, Vol. III, Part I, page 772.	
7	15th Mar. 1923	Do. ..	Mr. P. P. Ginwala ..	Assembly Debates, Vol. III, Part V, page 3461.	
8	Do.	Do. ..	Mr. President (The Hon'ble Sir F. Whyte).	Assembly Debates, Vol. III, Part V, page 3464.	
9	1st Feb. 1924	Do. ..	Mr. K. C. Neogy ..	Assembly Debates, Vol. IV, Part I, page 28 (Starred question No. 9).	
10	18th Feb. 1924	Do. ..	Khan Bahadur Sarfaraz Hussain Khan.	Assembly Debates, Vol. IV, Part I, page 686 (Starred question No. 391).	
11	19th Sep. 1924	Do. ..	Diwan Bahadur T. Rangachariar.	Assembly Debates, Vol. IV, Part VI, page 3766 (Starred question No. 2212).	
12	23rd Feb. 1926	Do. ..	Diwan Bahadur T. Rangachariar.	Assembly Debates, Vol. VII, Part II, page 1648 (Starred question No. 968).	
13	16th Mar. 1927	Do. ..	Sir Hari Singh Gour (For Sardar Gulab Singh).	Assembly Debates, page 2333 (Starred question No. 971).	

No.	Date.	Where subject was raised.	By whom.	References.	Remarks.
14	16th Mar. 1927	Assembly	Mr. President (The Hon'ble Mr. V. J. Patel).	Assembly Debates, page 2334.	
15	21st Mar. 1927	Do. ..	Sir Hari Singh Gour	Assembly Debates, page 2439 (Starred question No. 1075).	
16	18th Aug. 1927	Do. ..	Mr. Gaya Prasad Singh	Assembly Debates, page 2996 (Starred question No. 37).	

FOOTNOTE.—

During the discussion of the demands for grants in March 1925 Sardar Gulab Singh gave notice of a "cut" under the head "Legislative Bodies" (Demand No. 29) in order to raise the subject of a separate office establishment for P. L. A. Again in March 1926 Diwan Bahadur T. Rangachariar gave notice of a "cut" under the head "Legislative Department" (Demand No. 33) with the same object in view. These motions were not, however, reached.

In March 1928 Mr. S. N. Haji gave notice of a "cut" under (Demand No. 29) "Legislative Bodies"—to discuss the provision of a separate Secretariat for the Legislative Assembly, and in connection with (Demand No. 33) "Legislative Department" notices of motions for reduction with a view to raising the same matter were received from Mr. N. C. Kelkar, Mr. M. S. Aney, Mr. Gaya Prasad Singh, and Khan Bahadur Sarfaraz Hussain Khan. These motions also were not reached.

APPENDIX B TO THE DESPATCH.

Extract from the Legislative Assembly Debates, Volume I, No. 12.

The Assembly met in the Assembly Chamber of the Council House, New Delhi, on Monday, the 20th February, 1928.

QUESTION AND ANSWER.

CONSTITUTION OF A SEPARATE SELF-CONTAINED OFFICE OF THE LEGISLATIVE ASSEMBLY.

251. **Mr. B. Das**: (*a*) With reference to starred question No. 37 of the 18th August, 1927, by Mr. Gaya Prasad Singh, on the separation of the establishment of the Legislative Assembly, will Government be pleased to state if they have come to any decision on the scheme received by them from the Honourable the President of this House last August?

(*b*) Will Government be pleased to state the decision arrived at on that proposition?

(*c*) Will Government be pleased to lay on the table a copy of the scheme of the Honourable the President?

Mr. L. Graham: (1) A copy of the scheme drawn up by the Honourable the President is laid on the table.

(2) Government have examined the scheme but have not yet reached a final conclusion.

Proposals submitted to the Government of India on the 17th August, 1927, by the Honourable Mr. V. J. Patel, President of the Legislative Assembly, regarding the constitution of a separate self-contained office of the Legislative Assembly, in fulfilment of a promise made in the House. (Vide *page 2334 of the Legislative Assembly Debates of the 16th March, 1927.*)

F.-43-IX/27-A.

D.-2668.

17th August, 1927.

Dear Mr. Wright,

I am now ready with my proposals for the constitution of a separate self-contained office of the Legislative Assembly, which I promised in reply to a question asked by Sir Hari Singh Gour in the Legislative Assembly on the 16th March, 1927.

I forward the scheme for the consideration of Government, and I hope you will take immediate steps to have it considered. As you are aware, Members of the Legislative Assembly are in earnest about the matter, and the question, therefore, needs immediate attention.

Yours sincerely,

(Sd.) V. J. PATEL.

W. T. M. Wright, Esq., C.I.E., I.C.S.

I submit the following proposals for the constitution of a separate self-contained office of the Legislative Assembly in pursuance of a promise made by me on the 16th March, 1927, in reply to a question asked by Sir Hari Singh Gour.

2. I have observed that the opinions expressed in the Assembly on various occasions are distinctly in favour of the proposal and unmistakeably show a keen desire on the part of the Members to have a separate office. In fact it has been asserted that the independence of the President and the House will not be complete until they are provided with separate staff for the due performance of their high office and duties. Mr. E. L. Price (Bombay: European) first raised the question in the Assembly on the 5th March, 1921, when he moved his Resolution on the subject of the holding of sessions and more frequent meetings of the Assembly. *Inter alia* he pleaded for a double staff or an independent staff for the Assembly on the ground of efficiency. Then on the 16th March, 1922, in the course of the Budget discussion an opportunity was taken by Mr. P. P. Ginwala (Burma: General), then the chief Whip of the Democratic Party, to bring the matter before the House. It was urged that the staff of the Assembly should be self-contained and under the direct control of the President. So far the question was treated more or less as a side issue, and it was not till the 22nd September, 1922, when Mr. C. S. Subrahmanyam (Madras) moved his Resolution, that the subject was debated fully and at great length. It was agreed in principle and in theory that it was the right thing to do but that the time had not arrived when the Assembly should bring into existence a separate staff. The question was also discussed more than once at the Presidents' Conference and Sir A. F. Whyte considered that it was most desirable that the Legislature should have its own body of officers to carry out its functions, and eventually in accordance with the decision arrived at the Conference held in January, 1926, the Legislative Department was addressed on the subject of the separation of the office of the Assembly from the Legislative Department of the Government of India.

3. Before dealing with the actual staff that will be required for the separate office I shall consider the duties and functions that will devolve on it. It is necessary in this connection to refer to the existing machinery for carrying out the work connected with the Assembly. Apart from the superior staff, the Legislative Department, which at present conducts the business of the Legislature, consists of the following Branches and staff:

1. Registrar.
2. Assembly Branch (one Superintendent, 6 Assistants and 4 clerks).
3. Printing Branch (one Assistant and 5 clerks).

4. Establishment Branch (one Cashier and 3 clerks).
5. Issue Branch (one Assistant and 11 clerks).
6. Librarians (one Assistant and one clerk).
7. Reporters (13).
8. Record (one clerk).
9. Translation Branch (Head Translator and his Assistant).
10. Stenographers (3).
11. Publication Branch (one Superintendent, 5 Assistants and 5 clerks).
12. General Branch (one Superintendent, 5 Assistants and 3 clerks).
13. Council Branch (one Superintendent, 5 Assistants and 1 clerk).
14. Assistant to Registrar (one Assistant).
15. P. A. to P. C. S. (one Assistant).

4. During the session and also at least a month before and after it the business of the Assembly, as will be seen from the classification of duties detailed in Appendix A, affects almost every one in the Department, and I understand the Publication, General and Council Branches are also more or less affected. The Registrar is the normal head of the office and is directly responsible for the superintendence, control, discipline and management of the office. He is in charge of all work connected with the establishment of the Department, accommodation for Members of the Legislature, sitting arrangement in the Chambers, issue of tickets to the visitors' galleries, and various other odd jobs.

5. The duties performed by the present staff cover practically the whole field of purely Assembly work as well as those pertaining to the Department as an integral unit of the Government of India (Appendix A). Broadly speaking, there are two separate matters, *viz.*, (1) the duties of the Secretary, which are those laid down in the Rules and Standing Orders—Rules 5 and 41, S. O. 3, 7, 8, 11, 12, 22, 43, 46, 52, 65, 75, and Rule 2 of Schedule I of S. O., and (2) the duties performed by the Legislative Department as an administrative department of the Government of India. The Assembly Branch performs dual functions at present in certain respects while the work of the Publication and General Branches falls under the latter category. It is not at present possible, owing to the overlapping of duties in certain cases, to suggest any clear-cut division of functions between the Assembly office and the Legislative Department which can only be built up in process of development of the new scheme, but from the duties enumerated above a fairly accurate idea can be formed. It is therefore clear that almost the whole of the work with only a few exceptions will have to go over to the new office. The following items must necessarily remain with the Legislative Department :

1. The drafting of official Bills and unofficial references from Departments connected therewith.
2. Allotment of non-official days.
3. Programme of official business.
4. Memorandum of Legislative business in prospect.
5. Amendments to Indian Legislative Rules.
6. Nomination of Members and election petitions.
7. Amendments to Electoral Rules and Regulations.
8. Maintenance of the records of election expenses.
9. Dissolution of Assembly and elections.

6. The two strongest points of attack on the question of separation are, firstly, on the score of economy, and secondly, that the Assembly office, while not being entirely without work during the recess, would not have enough work to keep it fully occupied throughout the year. As to the first, consideration of economy must make way before so important and well-intentioned a step which the Assembly as a body is undoubtedly desirous of taking in furtherance of the constitution which has brought it into being. The demand for an office of his own by the first elected President of the Legislative Assembly was made officially in

February 1926, as already stated, and bearing in mind the recognition accorded to similar demands in some provinces, I expect the Government of India in fairness to accede to that demand which I now repeat. Against the second point of attack, I would point out that the pressure of work when the Assembly is in session asserts itself fully a month or more before the session commences, that is to say, notices of Bills, Resolutions and Questions (each of which has to be examined and submitted at once separately for my orders) pour in. This pressure gradually reduces after the close of a session but a considerable amount of work still remains in the shape of the preparation not only of a summary of the proceedings of the whole session but of each resolution debated in the House and the indexing of the debates which requires great accuracy and care and the expenditure of a great deal of time and labour, while the Conference of Presidents is usually held at a convenient date during the recess, throwing upon the Assembly office the entire work connected therewith from the start to the finish. In the case of Bills which are circulated to Local Governments for opinion by the direction of the Assembly the opinions are received during the recess, printed and their precis is prepared by the office as soon as they are complete. Moreover Committees, such as the Joint Committee on the Gold Standard and Reserve Bank of India Bill, invariably hold their sittings during the off season and throw a considerable amount of work on the Assembly Branch. Other miscellaneous files which are not of an urgent nature are held over during the session and are disposed of when the session is over. The manuscript papers of Acts passed by the Indian Legislature are arranged for binding when the pressure of work decreases and also the recording of cases, which has to be kept aside during the session, is, I understand, undertaken at this time. Admitting that the work out of session is considerably lighter than that in the session, it would only be fair to allow the staff the well-earned respite after the strain of a full session's work (when they are not merely over-worked but grossly over-worked) as is the case with the House of Commons staff. I would here invite attention to the minutes of the Presidents' Conference held in January, 1926—pages 6 and 7.

7. Having thus cleared the ground about the scope and functions of the new office I shall now proceed to consider the question of the actual staff. It has to be borne in mind that for the new office, as in the case of the present Legislative Department, the numerical strength of the staff must be based on the actual requirements when the Assembly is in session. With this in view I propose the following scheme :

Apart from the appointment of a Secretary the Assembly office would require one Deputy Secretary and one Assistant Secretary. The appointment of an Assistant Secretary is I consider essential in the best interests of the office. The Deputy Secretary will be required to assist the Secretary in such duties as he is required to perform under the Rules and Standing Orders, *e.g.*, dealing with notices of Bills, Resolutions and Questions and other departmental files. He will also have to attend the meetings of the Assembly and to interview Members and other persons. It will be almost impossible for him to superintend and supervise the work of the office and to attend to numerous and varied duties which should be done by the Assistant Secretary as at present done by the Registrar. The Deputy Secretary should not be burdened with any work in connection with the establishment, discipline, management, etc., which I am convinced is too heavy for one officer.

In addition to these officers the Assembly office would require at least :

I. One Marshal :

II. One Editor and eight Reporters ;

III. The present Assembly Branch *en bloc* ;

IV. Four men from the Printing Branch to deal with the debates and any other printing work there may be : as heretofore the Editor would be assisted by the men of this Branch in the preparation of the index to the debates, etc. ;

V. Three Cashiers : these would deal with the preparation of Members' T. A. Bills, etc., and all correspondence arising therefrom and also with all establishment questions ;

VI. For its Issue Branch, 10 men as detailed below :

(i) an Examiner, who would be in charge of the Branch ;

(ii) a Reader, who would do typing in his spare time ;

(iii) two despatchers, and

(iv) six typists, two of whom would work the multigraph ;

VII. Two Librarians ;

VIII. One Record Keeper ;

IX. Two Notice Office Clerks ;

X. P. A. to P. L. A. ; and

XI. One Stenographer.

In the case of the Assembly Branch at all events the staff will require to be augmented. It will require another Recorder, an Assistant to deal with miscellaneous receipts and especially with the sale and distribution of debates, the Manual and the corrections thereto, an Assistant for issuing admission tickets to the galleries, a second expert typist and one other Duftry. The need for the last three particularly has been very keenly felt and in fact the posts were sanctioned for the last Delhi session as an experimental measure and are likely to be sanctioned on a permanent footing. It would be a mistake to launch the new office under-staffed in any respect. Two Assistants will also be required to keep the officers' sets of books up-to-date, and at least two Assistants or clerks will be required to assist the Police during the session. This work at present is done with the help of other Branches of the Department. Past experience has shown the need of an Enquiry Office to be attached to the Notice Office. Members frequently make all sorts of inquiries every now and then and make requests to the Notice Office clerks to supply them with information on various matters. The Notice Office clerks have found it extremely difficult to cope with all this work in addition to their own duties, hence the need for an Assistant in an Enquiry Office is badly felt.

In basing these requirements I have assumed that the staff will ordinarily be granted leave only when the Assembly is not sitting and that no substitutes will be entertained in place of absentees, except in long leave vacancies which are likely to go into a session. This arrangement would, however, throw an undue strain on those remaining on duty after a session more especially if it becomes the practice in the future, as it very probably will, to hold three sessions (using the word in its non-technical sense) or three terms in the car. Therefore I feel very strongly that a leave reserve should be maintained which will be the best means to obtaining the maximum of efficiency. As far as I know there is at present in the Legislative Department no leave reserve, the Department containing its own leave reserve. This system, as past experience I believe has shown, has not worked very satisfactorily but somehow or other the Assembly side of the Department has been able to pull on. But this will not work in a separate office. In the Legislative Department at the time of a great rush of work during the session or owing to leave vacancies in the off season, permanent men are invariably requisitioned from other Branches but in the new office there will not be any staff of trained men to draw on and it must therefore have its own trained men for leave vacancies. There is no way of getting over this difficulty other than by a leave reserve. It may be argued in this connection that as some of the work now performed by the Assembly Branch will remain over with the Legislative Department the staff detailed above should be able to find its own leave reserve. The argument no doubt appears to have some force but the fact must be borne in mind that during the session or out of the session whenever the Assembly Branch is rushed with heavy work or understaffed owing to leave absentees the General and the Publication Branches of the Department which are least affected by the Assembly work always come to its rescue, while in the new office there will be no other source to draw on. Moreover the Members of the Assembly hesitate at present to ask the Legislative Department to get their own work done, but with a separate office the position will be quite different and it is apprehended that there will be a good deal of extra work thrown on the new office.

8. Then there is the important question of the position and status of the new office. It would certainly not satisfy the Assembly if the new office were attached to any Department. It will have to be determined at the outset what its position and status will be. Who will be responsible for the preparation and presentation of its Budget to the Legislative Assembly and who will deal with questions raised in the House affecting the office ? What will be the status of this office in relation to other Departments of the Government

of India ; will the office be treated on an equal footing with those Departments or will it be regarded as one of the attached offices ? I may say at once that I am definitely opposed to any attempt to treat it as an attached office. The Secretary of the Assembly is under Rule 5 of the Legislative Rules appointed by the Governor General and it is important that the staff should be similarly appointed. I also feel very strongly that the staff should not be denied the privileges in the matter of leave enjoyed by the Secretariat staff ; nor should the present staff, which forms part of a Department of the Government of India, in any way suffer, by separation from the Legislative Department, in the matter of their pay and prospects. Any question of depriving them of the status, pay and privileges they enjoy now as members of the I. S. S. would certainly operate harshly against them. I must make this quite clear at the outset in order to avoid complications and difficulties later.

At the Presidents' Conference held in September 1921, under the Presidency of Sir A. F. Whyte it was agreed that, although constitutionally funds for Council work must be sanctioned and provided by the Government, the Presidents should be placed in the same position as High Courts, *i.e.*, that they should be the sole judges as to whether the expenditure was necessary, the only power of criticism by the Government being on the point as to whether funds were available.

9. The following is the summary of the requirements referred to in the preceding paragraph :

1. Secretary.
2. Deputy Secretary.
3. Assistant Secretary.
4. One Marshall.
5. Eight Reporters.
6. *Assembly Branch*.—One Superintendent, 13 Assistants and clerks (including 2 Notice Office clerks).
7. *General Branch* (including establishment).—One Superintendent, 3 Cashiers, one record keeper, one recorder, 2 clerks for publications, one for issuing tickets, one general Assistant, two clerks for general management and assistant to Police and for enquiry office.
8. *Printing Branch*.—One Editor, one Assistant-in-charge, 3 Assistants and clerks.
9. *Issue Branch*.—One Assistant-in-charge, one Reader, 2 Despatchers, 4 typists, two multigraphists.
10. P. A. to P. L. A.
11. One Stenographer.
12. Two Librarians.
13. Fourteen per cent. of the permanent establishment as leave reserve.

10. In addition to the above translator will also be required to undertake translations referred to in Standing Orders 43 (2) and 46 (3) and also to translate, if any, the speeches delivered by members of the Assembly in vernacular.

11. These requirements are based on the actual existing state of work and I am not in a position at present to give the full details of the work which each assistant and clerk will be required to do. It will appear from Appendix B that in all 43 assistants and clerks are at present employed on the Assembly work during a Session and the same number is also proposed for the new office.

12. In basing these requirements the varying and peculiar nature of the work has been borne in mind. All work connected with the Assembly has to be submitted and got out against time. Provision must therefore be made to cope with the volume of work which pours in and which has to be dealt with *immediately* and passed out without delay. At present assistance is often sought from other Branches at the time of a very heavy rush, while the new office would have to be self-dependent. It would therefore be a mistake to start the new office under-staffed and the above establishment is the absolute minimum with which it could start.

7. Maintenance of the following registers (1) Despatches to Secretary of State for India, (2) Governor General's letters to Secretary of State for India, (3) letters to the Permanent Under Secretary of State for India, (4) Circular Register, (5) Stamp Register and (6) Dak Book.

8. Correction of copies of Bills, précis of opinions and Debates.

Publication Branch.

Correction of officers' sets of publications.

General Branch.

1. Police arrangements in the Chamber.
2. Telephonic arrangements.
3. Other miscellaneous work.

Council Branch.

1. Accommodation of Members.
2. Recording of cases.
3. Sale of Assembly Manual and stationery.
4. Issue of tickets for visitors' galleries.

APPENDIX B.

Assistants and Clerks employed on Assembly work.

Assembly Branch	10 (permanent). 3 (temporary).
Printing Branch	4
Establishment Branch	3 (permanent). 1 (temporary).
Library	2
Record	1
Translation Branch	2
Stenographer	1
P. A. to President, Legislative Assembly	1
Publication Branch	2
General Branch	2
Council Branch	2
Issue Branch	8
Assistant to Registrar	1
Total	43

Mr. B. Das : It may have gone back to the courts again.

Mr. President : In any case it is doubtful.

Mr. B. Das : In any case I did it in good faith and with the good intention of helping the Government in the proper collection of income-tax revenue and incidentally raising the department to a standard of high efficiency. I did not charge the income-tax officials with that amount of depravity which the Honourable the Finance Member has read into my speech. To support my point, I have in hand another cutting from the same paper, the *Searchlight*, which shows how Income-Tax Officers unnecessarily harass the ordinary income-tax payers. It was a case from Sambalpur which is in Orissa. The report says :

"In the application of Ram Pratap Thandu Mull the Commissioner of Income-tax refused to refer his case to the High Court on the ground that the application was one day too late, being beyond one month and one day after the judgment of the Assistant Commissioner of Purulia. Mr. Jayaswal, appearing for the petitioner, complained that there was a tendency on the part of the Commissioner to plead limitation where no limitation arose. The view of the Commissioner offended against the General Clauses Act and against common sense and practice that time must be counted from the day when the order is passed that is communicated to the Assessor and not from the day when an order is merely signed. The counsel for the Commissioner admitted that in view of the General Clauses Act he could not support the decision of the Commissioner on the point. Their Lordships (that is, Mr. Justice Ross and Mr. Justice Kulwant Sahay) decided the point against the Commissioner."

Their Lordships also wanted the Commissioner to submit certain further information in connection with the case. These things are happening every day, and my duty towards the people of this country impels me to ventilate the grievances of the public on the floor of this House.

The Honourable the Finance Member suggested that there should be a certain amount of cordiality between him and this side of the House and we should talk over things privately. There cannot be any cordiality between the Treasury Benches and this side of the House. If the Finance Member uses his influence with the Treasury Benches and they show on all occasions that spirit of cordiality which he wants us to shew on this occasion, then many of the things which we say on the floor of the House will be said in their chambers or we may speak to them in the lobbies, but we find that that atmosphere is entirely lacking in the Government at present.

The Honourable Sir Bhupendra Nath Mitra : If the remarks of my Honourable friend, Mr. Das, like those of my Honourable friend, Mr. Ram Narayan Singh, were actuated by a general distrust of every Member on the Treasury Benches, then I have nothing more to say. But I can tell both of my Honourable friends that when they oust us from these Benches they will be up against the same difficulty. To carry on the Government they will have to obtain a certain amount of money by taxation. As I have already said, no tax-payer is in love with the tax collector. I do not think I ever used the word " unsympathetic " which was mentioned by my Honourable friend, Mr. Bhargava. We, as the Government, undoubtedly desire that there should be the fullest sympathy between the tax collector and the tax-payer. But, Sir, it is obviously an unnatural state of things. For when the operation of the former touch the pocket of the tax-payer, the latter will say that the tax collector is unsympathetic. I have no personal knowledge of the particular incident to which my friend, Mr. Gaya Prasad Singh, referred, but judging from his remarks it seems

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to me to be a somewhat similar case. The Income-tax Collector, being a servant of the State, wants to collect what according to his lights he is required to collect under the Act. If the tax-payer thinks that the amount collected from him is not payable under the provisions of the Act, he has his right of appeal under the Act. All the same I shall again repeat to my friend, Mr. B. Das, that if he will give up his distrust of the Members of these Benches and will bring before us specific grievances, I for one—and I am pretty sure that my friends Sir George Rainy and Mr. McWatters—will always be glad to give him a patient hearing. (*An Honourable Member* : " What about the other Members ? ") Mr. Crerar is not here and I cannot refer to him at the moment. (*An Honourable Member* : " Will you give us an assurance about your successor ? ") I cannot commit my successor. (*An Honourable Member* : " You are not sure of Mr. Crerar ?") I cannot refer to him because he is not here at the present moment, but I am sure he will be glad to follow the same procedure.

Mr. Gaya Prasad Singh : But you have not answered my question.

The Honourable Sir Bhupendra Nath Mitra : I am not aware of the specific grievances of Mr. Gaya Prasad Singh. As I understand the position, there was some circular which instructed the Income Tax Officers, that in making assessments they should pay more regard to the interests of the department which, as I understand it, are the same as the interests of the State, than to those of the assessee. If that is so, if my presumption is correct, I think that should be the natural tendency of the department. The Income-tax Collectors are there to collect as much money as they can for the State, consistently with the provisions of the Income-tax Act. If there is any assessee who feels himself aggrieved by that assessment, the Act itself provides him with the machinery for contesting the assessment of the Income-tax Officer.

Mr. Gaya Prasad Singh : Sir Basil Blackett disapproved of this notification on the floor of this House. In view of his disapproval, has that circular been withdrawn ?

The Honourable Sir Bhupendra Nath Mitra : I don't know. If Mr. Gaya Prasad Singh had spoken to me about the matter before this debate, or asked a question, I would certainly have been able to give him an answer. I submit, further, that these are questions which might more appropriately be discussed when this House is voting the money for the Income-tax Department, and not on a small Bill like this.

If I understood my friends Mr. B. Das and Mr. Amar Nath Dutt correctly, they all welcome the Bill as it will have the effect of improving the efficiency of the Income-tax administration. Apparently my friend, Mr. Naidu, on the other hand, holds a somewhat different view. So far as we are concerned, the action we are taking is not being taken with reference to the particular point raised by Mr. B. Das, though I should be very happy if it has that effect ; but we are taking it for quite a different reason which is clearly brought out in the Statement of Objects and Reasons.

Mr. President : The question is :

" That the Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose, be passed."

The motion was adopted.

THE MADRAS SALT (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I move that the Bill further to amend the Madras Salt Act, 1889, for a certain purpose, be taken into consideration.

This again, Sir, is a simple Bill and the object is fully explained in the Statement of Objects and Reasons, and I have nothing to add to what is stated therein.

The motion was adopted.

Clauses 2 and 3 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir Bhupendra Nath Mitra : I move that the Bill be passed.

The motion was adopted.

THE INDIAN INSURANCE COMPANIES BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move that the Bill further to amend the Indian Life Assurance Companies Act, 1912, for certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business, as reported by the Select Committee, be taken into consideration.

It will not be necessary that I should say more than a very few words in support of this motion. It will be seen from the Report of the Select Committee that the Bill as a whole commended itself to that body, and that they thought it was a useful measure in substance. Only one amendment has been made by the Select Committee, namely, the omission of the words " British " before " India ", I think in eight places in all. In case Members on the Benches besides me should apprehend that the omission of the word " British " has been made under any sinister inspiration, I hasten to add that the object of the omission is to meet the convenience of insurance companies, and also the convenience of the public, of Government and of the Legislature, all of whom will have to consider the statistics which will be prepared under this Bill. As the Bill was originally drafted, the insurance companies would have been required to submit figures as to the business transacted by them, arranged under two heads, one for British India and the other for business transacted in other parts of the world. As the Bill now stands after amendment, any business transacted in the Indian States or in the foreign settlements in India will be classed with Indian business, and not with the business transacted in other places. Since the Committee reported, Sir, I have had the matter carefully examined by the Insurance Branch of my office, and I have no doubt that the amendment made is an improvement, and I hope will be satisfactory to all concerned.

That, Sir, is all I need say in explanation of the Select Committee's Report. As for the Bill as a whole, I explained the idea underlying it, in the Statement of Objects and Reasons, and in the speech I made when I moved that the Bill should be referred to Select Committee. I do not think

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it necessary on this occasion that I should add anything to what I said then.

Sir, I move.

The motion was adopted.

Clauses 2 to 20 were added to the Bill.

Clause 1 was added to the Bill.

The Title and Preamble were added to the Bill.

The Honourable Sir George Rainy : Sir, I beg to move that the Bill, as amended, be passed.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to say a few words on this, the third reading of the Bill. While we welcome this Bill to amend the Life Assurance Act, I am sure the Honourable the Commerce Member is fully aware that the public in general and the Indian public in particular, are very anxious that the Government should now hasten the preparation of the measure which is to affect not only life assurance, but insurance generally in India. This was promised to us more than two years back. But the Government of India is in this connection being held up owing to the inordinate delay which has taken place regarding a similar measure in Great Britain. Sir, the interest in India in insurance business has been increasing at a very considerable pace and I have not the slightest doubt that, not only in life insurance but also in insurance generally, there is a wide scope in India. I am therefore very anxious that the regulation of this business should be taken in hand as early as possible by Government. I am anxious that no set back should be given in India to Indian enterprise in this direction by acts of omission and commission on the part of those who are getting on with work in connection with insurance companies. Barring the fact that the Government of India are awaiting the insurance legislation in Great Britain to give them a lead—a fact the necessity of which I appreciate to a certain extent although I myself think that if this legislation in Great Britain is put off *sine die*, the Government of India will not be justified in delaying any further—this fact should not be lost sight of, namely, that while we welcome this interim legislation, we hope the Government of India would be able to introduce their full Bill before another year expires. With these few words, I have very great pleasure in giving my support to this Bill which is now before the House for its final approval.

Mr. President : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

THE MATCH INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I beg to move that the Bill to provide for the protection of the match industry, be taken into consideration.

Sir, as I explained at the time of its introduction, this Bill is a comparatively simple measure and all that it does is to transfer the existing duty on matches, and on veneers and splints from the revenue part of the

Tariff Schedule to the protective part. I do not think, Sir, it will at all be necessary that I should speak at great length on this measure, although it is very far from being an unimportant one. When the Legislature is asked to pronounce that a certain industry shall be treated as a protected industry, that is a matter which cannot be lightly treated and deserves full consideration. I think, Sir, that the Tariff Board, in the Report which has been in the hands of Members for some little time now, have given us a very valuable and interesting document. They have examined the question referred to them with great care and thoroughness, and in the opinion of the Government of India they have amply justified their conclusions. It has been of course my duty to study the Report very closely, and not by any means an unpleasant duty. Whether all the Members of this House share what is perhaps my morbid taste for tariff literature I am not prepared to say, but of course having been responsible for a great deal of literature of that kind myself, it is at any rate my duty to give due attention to the reports which are provided for my reading by other people. What interested me most in the Report of the Tariff Board on the match industry was this, that in the case of this industry we are presented with a series of features which have not presented themselves in any of the earlier enquiries, and which mark off this case as being rather a special one. The ordinary case of an industry demanding protection occurrs when it can be treated as an infant industry supplying only a fraction of the country's demand for the commodity concerned, whereas in this case, as the Tariff Board have reported, the industry is already able to meet the whole of the country's demand for matches. That is an unusual feature. Again in ordinary cases the price of the article manufactured in India is regulated by the cost of importation. Thus, to-day, the cost of the steel manufactured by the Tata Iron and Steel Company is in the main regulated by the price at which steel can be imported from Europe or America. But in the case of the match industry, this is not so at all. The price of Indian matches is at present determined solely by internal competition, and the price of imported matches has ceased to affect the price of Indian matches directly. Now, one consequence of that is this, that it is not much use considering what would be a fair selling price for Indian matches because even if we prohibited the import of foreign matches, the Indian manufacturer would get no more for his matches than he can obtain in competition with other manufacturers. That again distinguishes this case from the common case. A third difference is this. In the previous cases, the protective duties have been imposed as new duties, and we had to consider what the effect of that duty was likely to be both on the industry and on the consumer. But in this case the protective duty has already been in force for six years and has ceased to impose any burden on the consumer, the reason being of course that the Indian industry has developed behind the tariff wall, and, as I have already said, the price of Indian matches is determined by internal competition. The consumer, as far as the Government of India can judge, already obtains his matches as cheaply as he is ever likely to get them. The fourth difference is this, that in no previous case has it been a vital factor in the whole enquiry that there is a very powerful and ably organised international trust in existence in a great many countries of the world, which controls the manufacture of the commodity proposed to be protected. That is a new factor in this enquiry and it has had to be given special weight. Finally, there is this very interesting feature, that we have to take into account the lowest unit in our currency system as a factor which directly

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affects the price that the manufacturer can charge and indirectly the amount of protection to be given. The Tariff Board have pointed out that matches are at present sold in India for one pice a box and if the manufacturer wishes to raise his price he will have to double it because the next unit is two pice a box.

Well, Sir, all these are to my mind very interesting points in the case and they have been given due weight by the Government of India in their consideration of the matter. The Tariff Board have found, Sir, that the match industry satisfies the three conditions laid down by the Fiscal Commission. The Government of India fully accept that view. I do not propose to trouble the House by going in detail into the reasons which led the Board, and have led the Government of India, to that conclusion, because I think after the very clear and lucid statement given by the Tariff Board it is not necessary that I should do so. I will refer therefore only to one point in that connection, namely, this, that there may be room for doubt as to whether at present matches can be made in India from Indian wood, equal in quality to the imported match. Now it might be argued on that ground that the industry does not possess a natural advantage which ordinarily protected industries ought to possess. I believe myself, Sir, that there is room for hope that the position in that matter will improve as time goes on, and I believe we can reasonably expect that a larger and larger proportion of Indian matches will be made from Indian wood. But what I think the Board have established is this, that even with the handicap of using imported wood, it can still be shown that the industry will eventually be able to resist world competition unaided and without assistance from Government. To my mind two of the conditions laid down by the Fiscal Commission hang closely together. These are, first, that the industry should possess natural advantages, and secondly, that eventually the industry should be able to resist competition unaided. Ordinarily we have no data from which we can certainly determine whether eventually the industry will be able to resist competition unaided or not, and we have therefore to be guided by the probabilities of the case and the best evidence we can get. Usually the best evidence is supplied by the natural advantages of the industry whatever they may happen to be; but in this case the position is different. From the very careful analysis of the cost of production given by the Board I think we are clearly entitled to draw the inference that eventually the industry will be able to dispense with protection when the preference for the imported match has gradually been dissipated, and when we can be certain that the industry will not be exposed to attack by a very powerful international trust.

Now, when these circumstances exist, when we have independent evidence showing that the industry will eventually be able to dispense with protection, then we are fairly entitled to assume the existence of natural advantages because, unless the industry had such advantages, it could not in fact dispense with protection. I do not for a moment say that the industry has not natural advantages, for I think it has. Two of them I might mention. It is quite clear from the Tariff Board's figures that the imported match has to bear very heavy charges between the factory in the countries from which it comes and its arrival at the port of destination. As nearly as I can make out these charges amount to something like 25 per cent. of what would be a fair selling price for the imported match. Clearly this gives a great natural advantage to the locally made match. There was a second point to which the Tariff Board drew special attention, namely, this. So far as the match industry is concerned, Indian labour is cheap labour. That does not necessarily mean low-paid labour, but it does mean that with the aid of the automatic machinery now in use in the match industry you can get a very effective return from Indian labour.

The next point I want to deal with, Sir, for a brief space is the question of the amount of the duty. There is no doubt of course that the rate of duty proposed is very high compared to the rates of duty we have applied in other cases. It is so high indeed that it approaches the point where it would become prohibitive. Now, I think the House are entitled to some explanation of why the Government of India consider a very high rate of duty justified. In the first place, there is the existence of this world-wide combine with immense financial resources which has obtained control of the industry in a great many countries of the world. Clearly, if the manufacture of matches in India is to be protected against that we must be quite sure that the duty is high enough to be effective. In the second place, the manufacture in India has grown up behind the shelter of the high revenue duty imposed in 1922. The Government of India feel that the industry has special claims upon Government and upon the Legislature and that its interests ought to be fully safeguarded. But finally, and this is really the vital point, although the duty is high yet we can be certain that it will not impose any burden or any appreciable burden upon the consumer, the reason of course being the one I have already given that the price of matches in India to-day is determined by the internal competition of the Indian match manufacturers. But at this point someone may raise the question: Suppose behind the shelter of your protective duty there were to be a combination of match manufacturers, or suppose that the Swedish Match Company were gradually to oust all its competitors so that in their case something in the nature of a monopoly should come into existence, is it not possible that then the consumer might be exploited? To that question, Sir, I think there are several answers. In the first place, it has been shown very clearly by the history of the last six years that it is not a difficult thing to start new match factories and that the amount of capital required is not very large. Now let us suppose the monopoly has come into existence and is going to try and exploit the consumer. What must its first step be? If it raises the price of matches to the consumer, it has got to raise the price to two pice a box, that is to say, it has got to double the price, and the moment it did that the profits to be made in match manufacture would be so large, that almost at once new factories would begin to compete, and the result would be that before very long the trust would have to bring down its price again. That is one natural way in which the consumer would be protected. But there are other ways on account of which we are entitled, I think, to regard any attempt to exploit the consumer by doubling the price of matches as most improbable. From what I have been able to learn of the management of the Swedish Match Trust, it seems to me that the management has displayed in many ways great wisdom and great sagacity; and as it would obviously be unwise from the point of view of that company to render itself very unpopular with the consumer in India, I think it is most unlikely that they would adopt the short-sighted policy of doubling the price. Finally, supposing they did so, the resources of civilisation are not yet exhausted. For, if any attempt were made to raise the price of matches to two pice a box, there

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would be a very strong temptation to the Finance Department of the Government of India to step in and to impose an excise duty. It was clearly stated in the Government Resolution that the Government of India had no present intention of imposing an excise duty, but quite clearly if the Trust were to set to work to act without regard to the interests of India or of Indian consumers, then the Government of India would certainly take the matter into consideration.

Before I sit down, Sir, I think there are only two other points to which I wish to refer.

Mr. President : If the Honourable Member is going to talk much longer I should like to adjourn.

The Honourable Sir George Rainy : I think about three minutes will suffice, Sir. One of them is that the Government of India, as has been said in the Resolution, do not contemplate that the duty should remain at this very high figure for any long period. We hope that the preference for the imported match will gradually pass away and also we hope that in other respects the necessity will disappear.

Finally, Sir, there is one particular point on which I know some Members of the House are anxious. It is this. What would the attitude of Government be if the Swedish Match Company proceeded on its present lines and by a policy of cutting prices and trying to freeze out all the other Indian factories, endeavoured to obtain something approaching a monopoly of the manufacture of matches in India ? We have stated very clearly in the Resolution that if that were to happen a new situation would arise, which Government would consider it necessary to examine very carefully. But my own hope is that that situation will not arise ; my own hope is that the Swedish Match Company will give great weight to the very sagacious advice, the very wise and sensible advice given by the Tariff Board in paragraph 161 of their Report at pages 94 and 95. I will not read the whole of the passage, Sir, because Members can read it for themselves. I will only read the last sentence :

"If then it is definitely declared that match manufacture in India is to be protected we believe that the Swedish Match Company would be short-sighted indeed if it did not bring its activities into closer contact with public opinion in the country."

The suggestion underlying that sentence is that the Swedish Match Company might give its enterprise an Indian character by transferring the manufacture to a company established and registered in India with rupee capital and with a proportion of Indian Directors and with a definite reservation of a certain amount of capital for Indians. That is the substance of it. I think, Sir, I have said what is necessary to explain to the House the object and scope of this Bill and therefore I sit down after moving it.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Mr. President : Motion moved :

"That the Bill to provide for the protection of the match industry, be taken into consideration."

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, the Indian match industry will really feel grateful for the promptness with which the Government have brought forward this Bill. They will also feel thankful to the Honourable the Commerce Member for the rather candid speech that he made this morning on this Bill. He certainly took note of the fact that there is really a great combine as the Swedish Match Company ; but he said towards the concluding portion of his speech that the company will take into account the salutary advice given to them by the Tariff Board at the end of paragraph 161 of their Report as to how they must behave if they wanted to be popular in this country with their manufactures. But there are certain well-grounded fears entertained by those who are interested in the manufacture of matches in this country, that, after all, this combine may not accept the salutary advice given to them by the Tariff Board ; because, from what we see of their object as detailed in the Report itself, they will have their own way in regard to their methods of operation in this country and elsewhere. Our fears are really well-founded when we happen to think that they may not after all pay heed to the advice given to them by the Tariff Board. I will just refer to paragraph 149 of the Tariff Board Report. This is what is stated there :

"The object of the company is to secure a position in every possible market of the world which would enable it eventually to regulate prices. The acquisition even of the major part of the business in a market will not enable it to achieve this object. Either a complete monopoly must be obtained or a majority interest in every important unit constituting the industry."

Then as regards the company's methods, details are given in paragraph 150 of the Tariff Board Report. It is not very refreshing to go through them :

"Where circumstances are favourable, the company obtains a direct monopoly from the State. In some cases the monopoly is granted because the particular country conceives that to be in the best economic interests of their country. Where this is not possible, and especially where the industry is sheltered by a high tariff"

—that is the prospect of what the company might eventually do in this country—

"the company acquires in the country by negotiation the existing factories or builds new ones".

Both of these they have done in the past in this country.

"An attempt is then made to obtain control of the industry amicably."

That is the first method.

"If this proves unsuccessful, an intensive price war is initiated until the local industry surrenders."

This is what they have been doing all this time, because the Tariff Board Report itself in another part says that the prices at which they have been selling imported matches were certainly uneconomical. For example, in Belgium very severe competition prevailed before the company obtained virtual control over the industry. And lower down, the Tariff Board quotes the statement made by the President of the Belgium Match Manufacturers :

"The cartel (meaning the Swedish Match Company) makes more money by the matches manufactured in Sweden and in other countries by it than on those manufactured in Belgium. It is therefore to its interest to close down in Belgium as many factories as possible. The price war which the cartel is capable of carrying on during years in all countries to which Belgium can hope to export matches is very formidable."

[Mr. M. S. Sesha Ayyangar.]

Exactly the same thing might happen in India. They might import matches from elsewhere, sell them at uneconomical prices here and thus ruin the indigenous match industry in this country as they did in Belgium.

The Report then goes on to say :

"It is a matter of public notoriety that last year a Belgian factory was compelled to go into liquidation on account of this price war : the assets realised in the liquidation were not enough to pay 10 per cent. to the shareholders."

These are the insidious methods, Sir, which the Swedish Company adopted in Belgium and elsewhere. The same insidious methods, we are afraid, they will put into operation in this country as well. The question will then be whether the Bill that is now before the House will be enough to protect the indigenous match industry in India. The Honourable the Commerce Member was particularly alive to the existence of this company and also of their operations in India, but he thought that the present Bill would suffice for at least some time to come to protect the indigenous match industry. No doubt, the Bill seeks to protect the industry from matches imported from elsewhere, but what about the dangers within ? Unless some effective steps are adopted to protect the indigenous industry from the danger of the Swedish Company existing and operating from within, this Bill by itself cannot go very far towards really encouraging the indigenous match industry.

As I said, Sir, there are well-grounded fears that the present Bill would protect more the Swedish Match Company in India rather than the indigenous match industry. In this connection, I would refer to the opinions of two or three journals. First, I would read a short extract from the *Bombay Chronicle* :

"It is necessary, therefore, to see that the Company does not by using the very advantages afforded by protection in India or otherwise threaten the existence and progress of the indigenous industry."

There is another passage in the *Indian Daily Mail*, and this is what that paper says :

"As it is, however, the benefits of the protection granted will go to the Swedish company more than to the Indian companies."

Then I will read to the House another short extract from the *Bombay Samachar* :

"The import in 1926-27 in comparison with 1911-12 has been reduced to almost one-half, but we should not err into believing that the reduction in import means that so much quantity was manufactured in India and as these foreign factories are conducted on an extensive basis their manufactures also must have exerted more or less influence on the import of foreign matches. The Indian match industry requires protection against these foreign manufacturers and till that is not granted Indian owned factories will not prosper."

Now, I would ask the Honourable the Commerce Member to try and allay the fears which, I submit, are really well-founded. In this connection I would ask the Honourable the Commerce Member frankly to answer one or two points that I raise in this debate. It is said—an open accusation is made—by the weekly *Praja Mitra* that when this new Swedish Company first came into existence in India, the Bengal Government openly encouraged this company by certain methods which are detailed in this weekly. This is what it says :

"As regards the match industry Swedish capitalists under the patronage of the Bengal Government prospered in India and established rival match factories in Amarnath and other places..... Notwithstanding strong protests from the Indians, Government supplied these foreign capitalists with land, forests, etc., so that they were placed in a favourable position to compete with Indian factories."

Now I would ask the Honourable the Commerce Member to say whether there is any foundation for this open accusation that is made. If really the Bengal Government have moved in the matter on the lines indicated in this passage, it becomes a question of expatriation, so to say. We the Indian people of this soil stand expatriated by the Bengal Government adopting this method and planting securely this foreign enterprise in our soil and giving them land, forests, etc., so that their industry might prosper to the detriment of Indian interests. And in addition to this I would ask the Government also to say whether or not there is foundation for the suspicion that in this Swedish Company in India some rich merchants in England have got interests, and whether or not it is a fact, as it is said, that the merchants of England have some interests in this Swedish Match Company in India. And the second thing I would ask the Honourable Member to clear up is whether the British Government have any interests in this Swedish concern. Now if these things are cleared up by the Honourable the Commerce Member—and I dare say he will clear them up—then most of the fears entertained against the move of the Government by this side of the House would be removed. Some of us think that the protection given to the Indian match industry is half-hearted and halting ; because, in addition to the provisions made in the Bill, certain other lines of relief were asked for specifically by the indigenous match industry, such as Government levying an excise duty on these foreign made products and also Indianising these foreign companies : unless these measures also are given a provision in the Statute-book, this remedy by itself of simply converting a revenue duty into a protective duty at the rate provided in the Bill will not go far to really encourage the growth of Indian match manufactures, especially when that industry has to fight against very great odds in the shape of the Swedish companies existing in India. No doubt the Honourable the Commerce Member, in detailing the existence of the Swedish combine, has given a clear assurance to the House that, even though no doubt the Government does not choose at the present moment to make any provision in the Bill to operate against the Swedish combine, they may, if circumstances should show that this is taken advantage of by the Swedish combine to run down the indigenous match industry, take every step to see that something is done to relief the match industry against such methods. Certainly the House would thank him for the assurance ; but I really ask him whether it would be advisable to wait till the danger is completely demonstrated ; whether it is not necessary, regard being had to the insidious methods of the Swedish combine of securing the entire monopoly of the industry all over the world, and regard being had also to the unscrupulous methods they have adopted in the past, whether the Government should not see that some safeguards are provided even now to protect the Indian match industry against the operations of this combine. One other fact which the Honourable the Commerce Member did not mention in his opening speech which I would like to bring to his notice strongly is this : that, since the Report of the Tariff Board, prices have gone down by 20 per cent. I am told. Now that is a very serious factor which the Honourable

[Mr. M. S. Sesha Ayyangar.]

the Commerce Member must take note of. That would also indicate the line of action which the Government should feel constrained to adopt to protect the indigenous match industry against the Swedish combine. No doubt the Tariff Board made some recommendations after an exhaustive survey of the whole thing and I would repeat that these recommendations were really halting. They were alive to the fact of the existence of this powerful combine with very large resources and to the methods they had been adopting in this country, but that they would not go to the length of recommending at once any prompt measures to be taken by the Government to encourage the Indian match industry. After all, Sir, I seriously ask : whom are you protecting ? Is it not the indigenous match industry which Government seeks to protect ? They are not really out to protect the Swedish combine. Their purpose is the protection of the Indian match industry not only against competition from the Swedish match combine outside but also against competition from within. What is it they have done to protect it ? That is why I say the recommendations made by the Report are halting. They say in paragraph 31 of " Findings and Proposals " :

" We do not think that in the present circumstances any action is called for against the Swedish Match Company on the ground of unfair competition."

In another paragraph they admit that they have been systematically selling their products from abroad at uneconomical prices ; I really fail to see what else the Tariff Board would take to be unfair competition. They also endorse the opinion in paragraph 143 of the Report as to the unfair propaganda that they have been doing :

" It has been alleged that by means of circulars, cartoons and other forms of propaganda carried on by the Company to develop the sale of its imported matches, it has made comparisons to the disadvantage of Indian matches and thus spoilt their reputation. There is evidence that such propaganda has been carried on by the Company or its agents and some harm must have resulted."

And then the Tariff Board go on to say :

" Where trade rivalry exists and competition is intense, it cannot be expected that manufacturers will be over-scrupulous in pushing the sale of their goods."

Not that the methods were not unscrupulous but they wanted to condone it by saying that where trade rivalry exists these things must also exist. They may exist, but we want protection against such hard methods. Then they go on :

" At the same time, we have seen advertisements of the Swedish Match Company which in some cases explicity, in others by implication, condemn the products of all Indian match factories without reserve. We must confess that it strikes us as curious that a foreign firm should repay the hospitality offered to it by India by belittling the quality of Indian manufactures as a class or indeed that the Swedish Match Company considered that its interests were best served by methods of advertisement which could not but stir up animosity."

Now, these are the methods adopted by this company. And in spite of the evidence of their frightful methods which was placed before the Tariff Board, the Tariff Board in the summary of their conclusions, do not recommend anything against this company. They say :

" We do not think that in the present circumstances any action is called for against them."

But they go to the length of saying (paragraph 31) :

" But taking into account the vast resources of the Company and the policy pursued by them in other countries, it is necessary that future developments of the Company in India should be watched. Should such developments indicate that the Company is acquiring undue control to the detriment of the Indian industry, we recommend that Government should take steps to safeguard the Indian industry."

The only point of difference between the Government view and mine is that I submit that such action as is desirable to protect the Indian industries against foreign competition from within must be taken at once and that the Government should not in pursuance of the recommendations of the Tariff Board wait a little longer to see if matters are pushed to more serious lengths. In paragraph 32 the Tariff Board say :

" We consider that, if the industry is declared protected, the Swedish Match Company should take steps at the earliest opportunity, to organise its business in India on the basis of an Indian company under the control of a local directorate with suitable Indian representation on it."

At least this could have been adopted by the Government in this Bill. If you Indianise the Swedish combine you make their operation less insidious ; and greater protection would be given thereby to the Indian match industry. Even that the Government have not chosen to adopt. And then, in paragraph 34, they say :

" In these circumstances, an excise duty may, if necessary, be imposed upon match factories in India. But we refrain from recommending any definite rate of duty as this must depend on Government's financial requirements."

I quite admit that. They certainly allude to the fact that an excise duty is necessary to protect the Indian match industry. They only refrain from giving us the rate of duty, which they have left to the Government to adopt according to their financial requirements. So that, even this question of levying an excise duty upon these foreign manufactures in India has not been considered by the Government. I submit that unless these two safeguards are provided, namely, that there must be a method of Indianising this combine, so to say, to make it less operative against the Indian indigenous manufacture and there should be an excise duty upon the manufactures made by this foreign combine in India—unless these two safeguards are provided for in the Bill, the protection that is given in the Bill would operate more towards the encouragement of the Swedish combine than towards the encouragement of Indian manufactures for whose protection solely the Bill is apparently intended. I would submit that with these reservations I am certainly in support of the Bill so far as it goes.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions : Non-Muhammadan Rural) : Sir, I offer my hearty congratulations to Sir Pestonji Ginwala for placing a very valuable document before the country in the shape of this report for the protection of the match industry and I also congratulate the Government of India for accepting its recommendations *in toto*. Sir, when the policy of protection was inaugurated in this country about five years ago, there were critics who were not slow to criticise the action of the Government in accepting that policy. They maintained that the policy of protection calculated to increase the burden on the consumer for the benefit of the capitalist. But it has been proved by the Report of the Tariff Board, so far as the match industry is concerned, that if proper protection is given, the indigenous industry in course of time can not only compete with foreign imports but can also produce goods much cheaper for the consumer of its own country. As could be seen from the Report, Sir, in 1927, the price at which imported Swedish matches were

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sold was Rs. 2-3-0 per gross while the lowest price at which the Indian manufacturer could sell his matches was Rs. 1-2-6, that is, about Rs. 1-0-6 lower than that of the imported matches. That, while conclusively proving the efficacy of protection, shows that protection helps not only the indigenous producer but eventually the consumer himself. Now, Sir, when we impose a burden on the consumer, we should do so with only one object, and that is, to help the indigenous industry. If it is found that by imposing a fresh burden on the consumer we are not helping our own industries but are helping the foreign industries, I think it would be quite appropriate for this legislature to say that we should not and would not help any foreign producer at the cost of the Indian consumer. As could be seen from the Report of the Tariff Board, the capital invested by the Swedish Match Company in India amounts to nearly one-third of the total capital invested in the industry. But at the same time it will be seen that the prices are determined by internal competition in the country, and therefore, even the imposition of this duty has not been a burden on the consumer and if the Swedish manufacturers are also making profit, it is not at the cost of the Indian consumer at present. It has been estimated by the Tariff Board that the fair selling price of half size matches ought to be about Rs. 1-3-0 per gross and the price at which the Indian manufacturer has been selling is about the same. Therefore it could not be said that the Swedish manufacturer here is being protected in any way at the cost of the Indian consumer. I hope the advice given by the Tariff Board to the Swedish interests that they should convert their concern into a rupee company, with a fair proportion of Indian directors would be duly taken up by them. At the same time I would ask the Government of India to have inquiries instituted departmentally every year to find out whether the Swedish company were carrying on any unfair competition to cut down the profit of the Indian manufacturers. If at any time it is found that the Swedish interests are abusing the hospitality extended to them by this country, I hope the Government of India would not be slow to take such actions as the circumstances might justify.

About the maintenance of the present duty I have one suggestion to make. I think in the present circumstances it is essential that the present rate of duty should be maintained for an indefinite period. As could be seen from the Report, the Swedish Company is a very powerful concern. If the present duty were abolished, the consequence might be that the Swedish importers would again start dumping, and thus ruin the Indian industry. I am quite sure that if such an occasion arose, the Government would not be slow to take action. But I think that prevention is better than cure, and therefore, I think that for the time being, the Government should maintain the present rate of duty without fixing any limit to the period of protection until it appeared that all danger from foreign importers was totally eliminated. With these words I support the motion before the House.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I give my support to this Bill, but as the Honourable the Commerce Member knows, my constituency are not satisfied with the Bill as being a completely satisfactory measure. As they said in their telegram to the Commerce Department they " are sorry to note that both the Report of the Tariff Board and the Resolution of the Government of India have left unaffected operations of the Swedish Match Trust which is a danger to the indigenous industry ". The Committee of my Chamber urge that Government be pleased " to require the Swedish Match Trust to be under Indian control as required by paragraph 32 of the Tariff Board Report ". Sir, I have not given an amendment to this Bill necessitated by this opinion of my Chamber for reasons which I will explain in a very few words. The Tariff Board—and Sir Pestonji Ginwala, President of the Tariff Board, has the completest confidence of this Assembly, and if I may say so, of the Indian commercial community (Hear, hear)—have gone into this aspect and this danger which my Chamber have referred to. They rely on the hope that this Swedish Trust, which is one of the most powerful combines that we know of in the world, and which has extended its activities to many rich countries—richer than India—will learn by its experience till now and will try and follow on lines which will meet with the approval of the Indian public generally. The Government, I understand by inference, are disposed to endorse this hope of the Tariff Board. I however felt, I have taken that responsibility upon myself that when legislation suggested with the best of intentions is likely to be misunderstood as legislation on racial lines, I may not be justified in adding one more to the several which are before the House this Session. I have therefore preferred to rely upon the hope expressed by the Tariff Board and let the Government of India find out by experience whether the Swedish Trust are likely to carry on on the lines which they expect that they will. The Honourable the Commerce Member said that he is prepared to rely upon the wisdom and the sagacity of those who are in charge of this combine. I have a very high opinion of the commercial sagacity and of the business like acumen of the persons in charge of this combine. If they had not that, they could not have made inroads into the various countries referred to in the Tariff Board. But I take it that the Government of India are not likely to overlook the fact that even though the Indian match industry has come up to a certain point, it may have to pass through critical stages still before it is established firmly on the Indian soil. I only hope that the Commerce Department will watch the developments in this direction, and as far as the Indian public opinion is concerned, if the Tariff Board's hopes of the behaviour of the Swedish Trust are fulfilled, none else will be the first to acknowledge it than the representatives of the Indian trade and Indian industry.

There is one very significant lesson which the match industry in India has for us to note. I am sure my Honourable friend in charge of the Commerce Department will agree that his Department cannot take credit for the establishment of the match industry in India. If the credit can go to anybody either consciously or unconsciously for their action, it can only go to his colleague, the Honourable Member in charge of the Finance Department. (Laughter). The exigencies of finance in 1921 and later made the match industry a real industry worth speaking of to-day. An ill wind as a rule blows nobody any good ; but this ill wind of deficits in the Government of India finances did blow good to one and that was, Sir, to the consumer of matches in India. 100 and 200 per cent. duty *ad valorem*—something which would have horrified the Honourable the Commerce Member and his Department if even mentioned for anything else—was imposed irrespective of the considerations of the consumer,—the consumer who is trotted out with such great solicitude by my Honourable friend there and is many a time made a hardy excuse of—by my Honourable friends on my left (referring to the European group) ; but when the Finance Member found that he wanted money and offered to put a duty of 100 and 200 per

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cent., and at times it was a little higher too, the " poor " consumer was overlooked. But where the Treasury Benches and my Honourable friends on my left forgot the consumer, the laws of nature and of economy vindicated the best interests of the consumer. We have it in the Tariff Board's Report that during the last 7 years the price of matches has gone down, and India to-day produces two-thirds of her requirements. I am sure that although the Commerce Member and his Department played no part in this, he is proud of the achievement of those who trusted their enterprise in the match industry. I feel that the warning sounded by my Chamber is not purely imaginary. We have many members on the Committee who are directly interested in this match industry. There are many members who I know reconcile their business—shall I call it greed in order that nobody else may interrupt me—with the best nationalistic tendencies, but they apprehend that, should some bad advice prevail, this big Swedish combine with which we have nothing in India which can really cope, may crush out the Indian industry. I do hope that the Trust will not be as daring and short-sighted as that. I feel that where the Commerce Department played no part in bringing up the match industry to the point where it is, they may now make up for it by looking after it more carefully and with greater solicitude than they have done till now. I have great pleasure in supporting this measure and I only hope that we will have no cause for complaint that the Government of India did not consider the warning which my Chamber has put before them.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : The only reason why I intervene in this debate is that I have been connected with a small match factory at Belgaum for the last 20 years or so. I wish to make one or two suggestions to the Honourable the Commerce Member in order to promote the match industry in this country. The first request I have to make to the Honourable the Commerce Member is to see that wood for making splints is supplied to Indian factories at a nominal price. This is a matter in which the Government can help us very well if they choose to do so. The wood out of which splints are made is generally of a kind which may be classed as fuel ; it is not timber. It does not fetch much of a price, and my request to Government is that so far as the Indian match factories are concerned, the wood required for making splints may be supplied even gratis for some years. Government will not sustain a heavy loss on that account. The second suggestion which I wish to make is that the rates charged by the Railways for sending matches from one place to another in India should be regulated a little more carefully. I shall give you, Sir, a personal instance. At Belgaum we find that we have to send our matches from Belgaum to Bangalore. For that purpose we have to pay more railway freight than we have to pay if we send our matches from Belgaum to a place beyond Bangalore. The object was, it seems, to handicap us. For smaller distances we are charged more, whereas for longer distances we are charged a smaller freight. This is not, I submit, fair to us. In that connection, the Railway Department may kindly help the indigenous industry. These are my two suggestions to the Government. They may do what they please. What has been said by my Honourable friend, Mr. Sesha Ayyangar on the strength of the Report recently made by the Tariff Board is perfectly true. The Swedish combine is a great menace to the Belgaum match factory. We have not been able to give any dividend to our shareholders for many years and we fear very much that

so long as this Swedish combine in India is allowed a free hand there is hardly any chance for indigenous match industry to prosper. I make these suggestions to the Commerce Member with a request that he will do something to help the indigenous industry. What the Government have now done under this Bill is a mere eyewash. They have transferred, as the Commerce Member has said, the duty from one head to another. That does not help us at all. If Government are pleased to issue orders to the Forest Department and also make suggestions to the Railway Board to help the indigenous match industry, the industry is sure to thrive in this country. With these suggestions I heartily support the measure which is brought forward by Government.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I am not an admirer of the present Tariff Board. Since my Honourable friend Sir George Rainy translated himself from the Presidentship of the Tariff Board to membership of the Treasury Benches, which I appreciated very much at the time, I have lost all confidence in the Tariff Board as it is constituted at present. The Tariff Board as it exists at present dabbles too much in politics. If two years ago it introduced the policy of Imperial Preference, to-day it has introduced in the body of this report the policy that there should be uncontrolled foreign capital and foreign companies in India. The present members seem to believe that foreign companies with foreign capital are inevitable for the salvation of India. I submit, Sir, that the Swedish combines and the Swedish match factories ought not to be in India and they ought not to exist any longer in India. The Tariff Board, as it is constituted at present wants these Swedish combines to remain in India. On the floor of this House, I am constrained to say that the Tariff Board, as it is constituted at present, is a bureaucratic body and not a democratic body. It goes contrary to the wishes of all Indians and says that the Swedish combine is necessary for the development of the match industry in India. I am quite certain that India will never be a party to such a proposition and it will never consent to the existence of a foreign company to receive State concessions and protection in India to the detriment of Indian interests.

No doubt, Sir, I am in full sympathy with a protectionist policy, but I differ from the sort of protectionist policy which was advocated in the case of the cotton mills. Duty on cotton yarn was not really protection so far as Indian interests were concerned. It gave protection to my Honourable friend Sir Victor Sassoon, while at the same time it killed the hand-loom industry in the country. This Bill which the Government are introducing to-day may be a slight protection to the match industry, but there are suggestions from the Government to the Tariff Board in their Resolution and in the recommendations of the Tariff Board that go against the very principle of protection. I think unless we get Swaraj there can be no real system of protection in this country. In my opinion the days of protection are numbered and I think the days of the Tariff Board are also numbered, and I know there is no work for the Tariff Board now. I will suggest to the Honourable the Commerce Member that he should abolish the Tariff Board immediately.

Sir Purshotamdas Thakurdas : Oh !

Mr. B. Das : I am sorry to differ from my esteemed friend Sir Purshotamdas Thakurdas. I am a protectionist and a full-fledged one too. But the present Tariff Board is not a mere protectionist body but a

[Mr. B. Das.]

body that supports Imperial Preference. It now wants foreign capitalist and foreign combines in India to flourish under systems of protection.

Mr. Ghanshyam Das Birla : Why do you say its days are numbered

Mr. B. Das : Because it advocates the policy of Imperial Preference But its days will not be numbered so long as the present Government is constituted as they are at present. The Tariff Board is not giving much help in the direction of protection to Indian industries but it is giving Imperial Preference to foreign capitalists.

The Government in their Resolution say :

"If the Tariff Board decides that consideration must be paid to the industry brought into existence by the present rate of duty and that the duty should be maintained at the present figure, or approximately at the present figure, it will further report whether the loss of customs revenue can be made up in whole or in part by any other appropriate form of taxation of the industry."

This paragraph in the Resolution of the Government of India gave to my political friend, Sir P. Ginwala, a handle and this Resolution introduced the invidious suggestion that there should be an excise duty on Indian matches if Government want it for revenue purposes Sir, all excise duties are very hateful and obnoxious duties. We know the system of the cotton excise duty, that was levied at the instance of Lancashire on cotton cloth produced in Indian Cotton Mills and this excise duty actually crushed the cotton mill industry in India for a time. Thank God, it is abolished now. We know what the excise duties are doing in the provinces. We know what the duty on wines and drinks is doing for the country. I know that 40 per cent. of the Government revenue in my own province, Bihar and Orissa, is derived from the excise duty. The excise duty on salt, a central Government tax, is also doing a great deal of harm to the country. This tax on salt falls heavily on the poor people who cannot thereby get an adequate and proper amount of salt for their food and my suggestion is that this duty also should be abolished. The Tariff Board was not asked to go into and advise as to what are the revenue yielding taxes of the country, but the Board has thought fit to suggest an excise duty. The Board suggests in an insinuating way that Government should have an excise duty on matches. It would kill the match industry if this excise duty is levied. I do not doubt the good intentions of my Honourable friend Sir George Rainy in his desire to protect the match industry, but this suggestion of the Tariff Board is not going to protect the match industry and is a vicious suggestion It is nothing but a politically invidious suggestion that the Tariff Board is making to the Government. If there is to be this excise duty, the match industry will surely make no headway ; on the other hand the match industry will surely be killed by this excise duty. If for no other reason, at least for this mad suggestion the present Tariff Board must be abolished.

One of the recommendations of the Tariff Board to which I should like to draw the attention of the Honourable the Commerce Member appears on page 102, paragraph 21. It runs :

"The existing supply of Indian wood may be increased by a suitable system of plantation. It appears to us desirable that Local Government within whose territories match factories of any size or importance have been established should adopt a cautious programme of plantation with reference to the probable future requirements of the factories."

I do hope the Honourable the Commerce Member would circularise all the Local Governments and advise them to take an active part in this direction. In some provinces, forest, is a reserved subject and not a transferred subject. But in spite of this, all Local Governments ought to take a keen interest in the matter of plantation so that the match industry may be developed.

In paragraph 22, the Tariff Board recommend :

"We recommend that a definite research project into the match industry should be drawn up at the Forest Research Institute, Dehra Dun. While the project should be under the immediate supervision of the Forest Economist, the appointment of a special officer might be considered to ensure contact with Local Governments and match manufacturers."

This recommendation concerns the Forest Department which is within the province of my Honourable friend Mr. Bajpai. I do hope that this recommendation of the Tariff Board will be taken in hand by the Forest Research Institute at Dehra Dun and that proper steps will be taken to give an impetus to the development of the match industry in India. When we have the proper supply of match wood, we can successfully compete with all the foreign combines that have taken shelter here and can drive them out of this country. We do not want any foreign companies or syndicates here which are solely financed by foreign capital. They ought not to be given any concessions in India for they stand in the way of the proper development of Indian industries. The Tariff Board ought to have taken into consideration in their recommendations the recommendation of the External Capital Committee and ought to have applied the principles enunciated therein to the case of the Swedish Match Company. It has not been done and that is one of the reasons why I condemn the present Tariff Board.

The Honourable Sir George Rainy : Sir, perhaps it will be convenient to deal first with three or four specific suggestions that have been made in the course of the discussion. My Honourable friend Mr. Das wanted to know about two of the recommendations of the Tariff Board, the first of which was that Local Governments should undertake the planting of suitable trees for the manufacture of match splints. As regards that, I cannot remember at the moment whether we have already brought the proposal to the notice of Local Governments or whether we are about to do so ; but if we have not, we shall certainly draw their attention to it, and ask them to give it their best attention and, if possible, their concurrence. As regards the immediately succeeding recommendation, namely, that a definite scheme of research into the match industry should be drawn up at the Forest Research Institute at Dehra Dun, I understand that already the Institute has undertaken a certain amount of work in connection with research into the match industry. I will certainly look into the matter and satisfy myself that what is possible to be done is being done there.

Then there is my Honourable friend Mr. Belvi. One of his suggestions was that wood for splints should be supplied at a nominal rate to match factories—I presume from the Government forests.

Mr. D. V. Belvi : Yes, Sir.

The Honourable Sir George Rainy : I think, if I understood him correctly, the match factory in which he is principally interested is at Belgaum. I should have no objection whatever to bringing the matter

[Sir George Rainy.]

to the notice of the Government of Bombay, but I think—I am speaking from memory—that in Bombay, Forests are a provincial transferred subject. Is it not ?

An Honourable Member : Yes.

The Honourable Sir George Rainy : That being so, my function must end by bringing the matter to the notice of the Local Government, because I am not in a position to issue any orders to them. Then my Honourable friend drew attention to some anomaly which exists in the matter of railway freight on matches and which again affects this factory in Belgaum. If he will let me have the details of the matter in writing, I shall certainly see that it is brought to the notice of the Agents of the Railways concerned.

Then other specific suggestions were made at the opening of the discussion by my Honourable friend Mr. Sesha Ayyangar. He wanted definite replies to three questions. The first of them was whether direct assistance had been given to the Swedish match industry by Government. I gather from what he said that the Government chiefly concerned was the Government of Bengal.

Mr. M. S. Sesha Ayyangar : Yes.

The Honourable Sir George Rainy : I am afraid I have no information on the point. If he desires that information should be obtained, I think perhaps the easiest way to set the wheels moving would be to put a question on the paper. As regards the other two questions, namely, whether merchants in England or the British Government have an interest in the Swedish Match Company, the suggestions came as a surprise to me that there was any belief or suspicion of that kind, unless my Honourable friend is referring to the undoubted fact that Bryant and May, the very large match manufacturers in England, having entered into an agreement with the Swedish Match Company, are in some sense a member of the Match Combine. I do not think there is any secret about the fact so far as that is concerned ; but I have never heard that the British Government was interested in it in any way, and I cannot conceive any particular reason why it should be.

Now, Sir, to turn to rather broader points, my Honourable friend Mr. B. Das has a very low opinion of the Tariff Board, and thinks that the reason for their existence has disappeared. I am not going to argue that matter with him, but I do not agree with him and I do not believe that the House does. Then my Honourable friend Mr. Sesha Ayyangar drew attention to the fact, quite clearly brought out in the report of the Tariff Board, that the policy of the Swedish Match Company, in practically every country into which it has entered, has been directed towards obtaining as complete a control as possible over the manufacture and sale of matches. He also drew attention to the fact that it appeared from the Board's Report that the Swedish Company had been selling matches in India—that is, matches made in Sweden—at an uneconomic price. That also is perfectly true. He argued from these two facts that the danger from the operations of the Swedish Match Company was so great that immediate measures ought to be taken to prevent harm resulting to the Indian match industry. As regards the sale of imported matches at uneconomic prices I think it is only fair to point out this, that it is almost the

direct consequence of the very high rate of duty, because if the Company are to sell matches at all subject to that very high rate of duty, they can hardly help cutting the price to the bone. But it is not in the least the attitude of Government that we can afford to stand on one side and hope for the best and not keep a close watch on what goes on. That is not the Government case at all. We do recognise that the existence of this very powerful combine does create a danger, and that it may be necessary—I hope it will not be, but it may be—necessary to take special measures to deal with it, if the combine were to endeavour to establish a monopoly behind the tariff wall. But agreeing with the Tariff Board, we think we are justified, in holding our hands for the present, in the belief that some arrangement can be arrived at which will be satisfactory both to the Swedish Match Company and to Indian manufacturers. Whether any attempt has been made to come to such an arrangement I am not fully informed. Indeed, until this Bill had been placed before the Assembly, it seemed to me it was much better that I should keep clear of anything that might be going on. All I wish to say is that, if an attempt should be made after the passage of this Bill to come to some arrangement mutually satisfactory, and it were thought that the Government of India could give any help we should be very glad to do so. But if we do intervene at that stage we can only usefully intervene if we intervene uncommitted. It is for that reason I do not want to make any very definite statement today as to what the Government might do or might not do in given circumstances. All I will say is that Government will not remain indifferent to any attempt that may be made to bring the complete and final control of the manufacture of matches in India into the hands of a foreign company.

What I have said, Sir, I think covers most of what was suggested by my Honourable friend Sir Purshotamdas Thakurdas. I quite recognise that the Chamber he represents hold strongly the view that it would have been much better if Government had decided to take immediate action. I can assure him that due weight will be given to that opinion and that, as I have said, we shall keep our eyes open and that we shall be alive to any danger that may threaten. My Honourable friend was quite right in saying that the credit for this duty does not rest with the Commerce Department but entirely with the Finance Department ; but whether from a financial point of view the Finance Department would be entitled to take equal credit for this particular duty I am not quite sure, because the revenue has been falling away rather rapidly.

There is one other point I should like to mention which was taken by my Honourable friend Mr. Birla. He was anxious that the present rate of duty should continue for an indefinite period, and that there should be no attempt to remove it prematurely. As regards that, I may say that the Government have no idea of leaving it on for a year or two and then summarily removing it. There would be no sense in doing that ; and in any case, when the time comes, we shall undoubtedly put our proposals before this House. And I may point out that the final decision will rest with the House ; and unless we can persuade the House that we are right and that a lower duty will suffice, then the existing duty will continue. But what the Government of India feel is this. It is very uncertain how exactly the Indian match industry may develop in the next two or three years, and there are various possibilities. It is for that reason among others that we do not lay down any definite period for the

[Sir George Rainy.]

retention of this duty, because we have not got sufficient data on which to fix any period.

I think, Sir, I have dealt with all the points of importance that were taken and that I need not delay the House any longer.

Mr. President : The question is :

"That the Bill to provide for the protection of the match industry, be taken into consideration.'

The motion was adopted.

Mr. President : The question is :

"That clause 2 do stand part of the Bill."

Mr. N. M. Joshi (Nominated : Labour Interests) : My amendment is an addition to clause 2.

Mr. President : Does the Honourable Member wish to move it ?

Mr. N. M. Joshi : Yes, I propose to move it, Sir.

Mr. President : I was given to understand that the Honourable Member was not moving it ?

Mr. N. M. Joshi : I never said so to any one, Sir. Sir, I move that after clause 2 of the Bill.....

Mr. President : It comes after clause 2; let clause be passed first. The question is :

"That clause 2 do stand part of the Bill."

Clause 2 was added to the Bill.

The motion was adopted.

Mr. N. M. Joshi : I move, Sir :

"That after clause 2 of the Bill the following new clauses be inserted :

'3. Undertakings engaged in the manufacture of matches shall submit to the Government of India not later than 1st of October, 1928, a declaration whereby they pledge themselves to keep prices of the articles during the period when such protective duties are in force at such figures as the Government of India may approve.

4. Notwithstanding the passing of this Act the protective duties shall not apply unless the condition laid down in section 3 and the following conditions are found by the Government of India to have been fulfilled :

(*a*) Joint stock companies and other limited liability companies engaged in the manufacture of matches shall submit to the Government of India not later than 1st October 1928 a declaration whereby they pledge themselves for the financial years during which the protective duties are in force.

(*b*) Not to pay any fee or equivalent sums to the Directors and management for the said financial years.

(*c*) Not to pay to shareholders and other participants with limited liability a greater sum by way of annual dividend than what they would get at 6 per cent. on the actual capital invested in the undertaking by the persons concerned.

(*d*) to employ any further surplus in consolidating the position of the undertaking in the manner approved by the Government of India.

(*e*) To employ only Indians in the undertaking.

(*f*) To produce a certificate that the labour conditions in the undertaking are satisfactory from a committee of three persons appointed by the Government of India for the purpose.

5. If an undertaking manufacturing matches fails to perform its duties under sub-sections (3) and (4) within a period fixed the Government of India may order those responsible to perform their duties on penalty of a daily fine not exceeding Rs. 1,000'."

Sir, the object of this Bill is to protect the match industry in India. I am anxious that in this country industries should develop and that they should develop very fast ; I have never been against that. But I am equally anxious that all interests should be protected and not only the interests of one particular class. For that purpose I have proposed my amendment. The first part of my amendment proposes that if by chance those people who are manufacturing matches make a combine and begin to raise prices unreasonably and without any justification, there should be some power with the Government of India to enforce a just and fair price. Manufacturers should declare that they will not raise prices beyond the limit which will be justified by the rise in the cost of production. I propose that the community which makes the sacrifice—and this nobody will deny—in giving this protection should not also suffer unreasonably. The principle of the second part of my amendment is that if there is to be a sacrifice on the part of the community as a whole in order that the industry should be developed, that sacrifice should also be accepted by those people who are managing that industry. This is a principle of sacrifice all round. I therefore propose, Sir, that in those undertakings which are going to get the benefit of the protective duties, the Directors should not receive any fee.....

Sir Victor Sassoon : Nor workmen their wages ?

Mr. N. M. Joshi : When there are some Directors in these concerns to represent labour, then I shall certainly say that they also should not get any fee ; but to-day we know that in our industrial organisations it is only the shareholders who have the right to elect Directors. The Directors are bound under the present circumstances to hold certain shares in that undertaking. I am not proposing that the shares of the Directors should not get any dividend. (*An Honourable Member* : "Thank you.") The Directors will get dividends on their shares, but they should be content with that. If the Directors of a match factory expect the community to make a sacrifice the Directors themselves must be ready to make a sacrifice for the sake of the industry. I am told, Sir, that if no fee is paid to the Directors, who is going to be the Director of a match factory? I have no fear on that score. I am quite sure the industrialists in our country are patriotic enough and those who believe that people will not come forward as Directors of match manufacturing companies without any fee have a very low opinion of the industrialists in this country.

Well, Sir, the next point is that as the community will make a sacrifice on account of levying this protective duty, the people who invest their money should also not expect unreasonable profit. I am suggesting that the dividend in these companies should be limited to 6 per cent. I am not suggesting further that any surplus profit should be taken away by the community or by the Government, although I would have been justified in doing it. What I am suggesting is this, that the surplus profit should be utilised by these companies in such a way that their financial position will be strengthened. We have got experience that there are industries which had made large profits on certain occasions. They wasted or spent the money as they liked in paying huge dividends which they ought not to have done. If an industry which makes 50 per

[Mr. N. M. Joshi.]

cent. or 100 per cent. profit and spends it in giving dividends and if it suffers losses, it will come here and ask for protection, and naturally the protection will be given at the cost of the country. I want to avoid that contingency, Sir. I therefore suggest that when any company makes a profit beyond 6 per cent., the surplus profit should be utilised in such a manner as to strengthen its financial position.

Then, Sir, I also suggest that as the industry is going to be supported by import duties by Indians mainly, the employees of the match manufacturing companies should be also Indians only.

Sir Victor Sassoon : And the Directors.

Mr. N. M. Joshi : That is my proposal and there is very good reason for it. It is quite natural that Indians who consume the matches should feel that these matches should be made by Indians. That principle is accepted by the whole of that side, I mean the Treasury Benches. They insist that the superior services which are represented here should be treated, when they or their families are ill, by white doctors. This morning we had a question on this subject.

Now, Sir, if Indians insist that the matches which they use should also be made by Indians, there is certainly nothing to be surprised at. I therefore insist that every match manufacturing company which receives the benefit of these import duties should engage only Indians as its employees. I am not asking, Sir, that the rupees to be invested in these companies should be only those of Indians. I make no difference in the rupees, and money will be welcome from others as well.

Then, Sir, I have suggested another addition which is a very important one. Protection to an industry means not merely protection to those people who invest their capital but also protection to those people who invest their labour in the particular industry. I have therefore suggested in my amendment that the match manufacturing concerns should produce a certificate from a committee consisting of three persons appointed by the Government of India to the effect that the labour conditions in those concerns are quite satisfactory. Now, Sir, this condition is quite necessary. At the present time this protection is not given to the workers engaged in that industry. I have been making this suggestion for many years, Sir. Unfortunately the Government of India and the Legislative Assembly have been indifferent to the interests of those people who are working in the industry. The Tariff Board makes an inquiry, and I am told, a very close inquiry. They have also written a big Report, but I find that they do not inquire into the labour conditions—at least I have not read much in this Report about labour conditions—and where they make mention of labour they only talk of the efficiency of labour. I therefore insist, Sir, that when the Tariff Board makes an inquiry into any subject it should be their business to inquire into the labour conditions of that industry. Then only can they make recommendations as to the protection of all the elements engaged in that industry. Unfortunately the Tariff Board does not do it nor does the Government of India care to suggest to the Tariff Board that there should be an inquiry into the labour conditions engaged in a particular industry. Now, take the match industry. The work in this industry is very dangerous. Those people who have got some experience of working in match factories will tell you that if there is one accident in a textile

factory, there are ten accidents in a match factory, and these poor people working in the match factories in India are not given the special protection to which they are entitled. For instance, in England the Factories Act provides some special regulations for those industries in which dangerous chemicals are used as in a match factory.

Sir Victor Sassoon : No, not now.

Mr. N. M. Joshi : Yes, even now there are special regulations in England under the Factories Act to give special protection to the workers who are engaged in those trades which are considered to be dangerous or unhealthy to human life....

Sir Victor Sassoon : Not in match factories, because dangerous chemicals are not used in match factories.

Mr. N. M. Joshi : The match industry, Sir, is an industry where dangerous chemicals *are* used.

Sir Victor Sassoon : No.

Mr. N. M. Joshi : I know it for a fact that the number of accidents in a match factory is much larger than in any other industry.

Sir Victor Sassoon : Not because of dangerous chemicals.

Mr. N. M. Joshi : Yes, it is the case. Therefore, I feel, Sir, that it is necessary, when we are passing this Bill, that some provision should be made for the protection of workers in this industry.

Then, Sir, I have added another clause which imposes certain penalties on those people who do not satisfy these conditions. It used to be said by the predecessor of the Honourable the Commerce Member that these conditions could not be enforced. I therefore thought, Sir, that some method must be found by which these conditions may be enforced, and that method is that any one who breaks these conditions should be fined out thousand rupees a day. The fine cannot be put at a low figure, because the profits may be more than a thousand rupees a day, and the manufacturer may pay the fine and go on breaking the conditions. I therefore suggest that the manufacturer should be fined one thousand rupees a day if he does not fulfil the conditions laid down in these clauses.

I hope, Sir, that this House in the interests of India as a whole and in the interests of the workers engaged in this industry will accept my amendment.

Mr. Ram Narayan Singh (Chota Nagpur Division : Non-Muhammadan) : Sir, I wholeheartedly support the amendment just moved by my Honourable friend Mr. Joshi and endorse every word of what he has said in support of his proposition. Sir, I admit that in the present backward industrial condition of the country, protection is absolutely necessary, and, as far as I know, almost every country in the world has given protection to all new industries. But, Sir, as the public is going to help this particular industry at some sacrifice to the consumers, they have a right to demand some sort of control over the management of it, and the method suggested by the Honourable Mr. Joshi is the only method by which the rights of the labourers as well as those of the consumers could be adequately protected. Further, Sir, it has been suggested that there is a suspicion in the minds of

[Mr. Ram Narayan Singh.]

certain people that Government is not going to encourage the indigenous match industry of the country but they want to support and encourage the particular Swedish company in this country. I do not think that this suspicion is baseless, because from our past experience of the conduct of the Government we are inclined to suspect their actions and intentions every minute and at every stage. So I think that, if the Government of India are honest in their intentions to really encourage the indigenous match industry in this country, they should wholeheartedly accept the amendment just moved by Mr. Joshi. With these few words, Sir, I support the amendment moved by my friend, Mr. Joshi.

Mr. President : Sir Victor Sassoon.

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : Sir, there are Members of this Assembly who complain that they have not the good fortune to catch your eye even when they desire to. I therefore, Sir, am in the unique position of not only having the honour of catching your eye when I desire but of being called on to speak even though I show no apparent desire to do so.

Mr. President : You must change your seat.

Sir Victor Sassoon : But, Sir, if in your wisdom you consider it advisable that I, as a representative of the capitalists, should reply to the remarks made by my friend Mr. Joshi, I am prepared to do so, although I admit I did think that the remarks of Mr. Joshi were so easy of refutation that it would have been wasting the time of this House to have attempted to controvert them. My friend, Mr. Joshi, has advanced the plea that where an industry is protected that industry should share the sufferings of the consumer. To start with, he did not make out a case that the consumer of matches in India had any. No doubt that was due to the fact that he was not in the House when my Honourable friend Mr. Birla so pertinently put forward the interesting point that the price of matches had gone down, not gone up.

(Mr. N. M. Joshi made a remark which was inaudible at the Reporter's table.)

Sir Victor Sassoon : The last remark of the Honourable Member is entirely unintelligible to me, Sir.

Mr. N. M. Joshi : May I, Sir, explain that it is quite possible that if the duty is removed, prices may go down still further, and there is a sacrifice on the part of the consumers when they agree to the retention of the duty.

Sir Victor Sassoon : On the other hand, it is equally possible that, if it had not been for the duty, the match industry would not have developed in India and therefore there would have been a monopoly for the foreign import. The point I wish to make is this that, if it is laid down that any industry which receives protection should be limited as to the dividends paid to shareholders, and that no Directors in such industries should have any fees for attending Directors' meetings, that would affect more industries than this match industry. I am quite prepared to consider the scheme of Mr. Joshi's if he would at the same time allow the work people for whom he is so interested to share in it. If Mr. Joshi was prepared to see that the work people of the industry

receiving protection would not receive a higher wage than, shall we say, they would be receiving in the agricultural districts from which they came, but that the difference between the wages which the manufacturer was prepared to pay and this should be put into a special fund so that they would be enabled to receive wages where the industry was losing money, then I think I might be prepared to support my Honourable friend.

Mr. N. M. Joshi : But there is no application for protection yet from the workers.

Sir Victor Sassoon : It is not a question of the workers of the match industry making an application for protection. What is the case is that, owing to the existence of protection, the industry has been allowed to take root in this country, which has enabled these agriculturists to earn better wages than they otherwise would. I therefore oppose the amendment.

Mr. President : Does the Honourable Member wish to speak ?

The Honourable Sir George Rainy : For five minutes, Sir. I think we must all admire the consistency and doggedness with which my Honourable friend Mr. Joshi keeps the standard flying. My Honourable friend Sir Victor Sassoon has dealt with the merits of the proposal. The point on which I wish very briefly to ask the attention of the House is that, assuming the objects of the proposal to be such as the Assembly would approve, the machinery provided for bringing them into effect would break down hopelessly at every turn. This proposed clause 4 of the Bill applies only to companies engaged in the manufacture of matches prior to the 1st of October 1928, and would not be applicable to a company started after that date. That is obvious because they could not make the declaration before the 1st of October. Therefore, there is nothing to prevent anybody from starting a new company immediately after the 1st October and being entirely exempt from all these restrictions. In the second place there is nothing to prevent all the existing companies from going into liquidation and selling their concerns to new companies formed after the 1st October. Then again, the restriction would only apply to joint stock companies and other limited liability companies. Therefore, again, it would be possible to evade the restrictions by transferring the concerns to private companies or to private individuals. Finally, I would point out that there is a third and a very important point to remember, namely, that these restrictions would apply in British India and would not apply in the Indian States, and I do not think there would be any difficulty whatever in transferring the greater part of the match industry in British India to the States. For these reasons, Sir, I would ask the House not to approve of this amendment.

Mr. President : The question is :

"That after clause 2 of the Bill the following new clauses be inserted :

'3. Undertakings engaged in the manufacture of matches shall submit to the Government of India not later than 1st of October 1928, a declaration whereby they pledge themselves to keep prices of the articles during the period when such protective duties are in force at such figures as the Government of India may approve.

[Mr. President.]

4. Notwithstanding the passing of this Act the protective duties shall not apply unless the condition laid down in Section 3 and the following conditions are found by the Government of India to have been fulfilled :

(a) Joint stock companies and other limited liability companies engaged in the manufacture of matches shall submit to the Government of India not later than 1st October 1928 a declaration whereby they pledge themselves for the financial years during which the protective duties are in force.

(b) Not to pay any fee or equivalent sums to the Directors and management for the said financial years.

(c) Not to pay to shareholders and other participants with limited liability a greater sum by way of annual dividend than what they would get at 6 per cent. on the actual capital invested in the undertaking by the persons concerned.

(d) To employ any further surplus in consolidating the position of the undertaking in the manner approved by the Government of India.

(e) To employ only Indians in the undertaking.

(f) To produce a certificate that the labour conditions in the undertaking are satisfactory from a committee of three persons appointed by the Government of India for the purpose.

5. If an undertaking manufacturing matches fails to perform its duties under sub-sections 3 and 4 within a period fixed the Government of India may order those responsible to perform their duties on penalty of a daily fine not exceeding Rs. 1,000 '."

The motion was negatived.

Clause 1 was added to the Bill.

The Title and Premable were added to the Bill.

The Honourable Sir George Rainy : Sir, I move that the Bill be passed.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the 18th September, 1928.

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LEGISLATIVE ASSEMBLY

Tuesday, 18th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

EXPORT DUTY ON RICE.

635. ***U. Tok Kyi** : (*a*) Will Government be pleased to state if they have made a special investigation into the question of the export duty on rice as promised by Sir Basil Blackett on the 12th March 1928 ?

(*b*) If they have, when may the result of the investigation be expected to be known ?

(*c*) If they have not, will Government be pleased to state when they intend to start the investigation ?

(*d*) Are Government aware that the Burma Legislative Council during its last Session has passed a Resolution recommending the abolition of the export duty on rice ?

(*e*) Is it not a fact that the steamer freight for rice from Bangkok or Saigon is smaller than that from Rangoon to Bombay or any of the Indian ports that take rice from outside ?

(*f*) Is it not a fact that since the days of the "Rice Control", the Rangoon rice has not found its place in the London market ?

(*g*) Are Government aware that there is a large reduction in the quantity of Burma rice exported to foreign countries during this present year ? If so, will Government be pleased to state the reasons why ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) to (*d*). Government have not yet made the investigation. They were awaiting the Report of the Royal Commission on Agriculture which, however, does not deal with the subject. They are aware of the fact that the subject was recently discussed by the Burma Legislative Council and have asked for a copy of the Proceedings. When they get it, they propose to take up the matter with the Local Government.

(*e*) No.

(*f*) Yes, though exports to the United Kingdom have latterly been improving.

(*g*) Yes. The reduction is partly due to the embargo placed by the Japanese Government on imports of rice into that country, which extends for the present up to the 31st December, 1928. Government also understand that increasing competition from the rice growing countries on the Mediterranean Seaboard, *viz.*, Spain, Italy, and Egypt and reasonably big crops in Saigon, Siam and Japan have contributed to this result.

REGISTRATION OF THE MUSLIM ASSOCIATION, PESHAWAR CANTONMENT.

636. ***Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Is it a fact that the Registrar, Joint Stock Companies, North-West Frontier Province, has refused to register the amalgamated two wings of the Muslim Association, Peshawar Cantonment, which submitted a formal memorandum of the Association and other documents required by Act XX of 1860 ?

(*b*) Will the Government be pleased to state whether the Registrar received the formal documents required by the Act from any other Society claiming to be the Muslim Association, Peshawar Cantonment, before or after the receipt of the documents mentioned in part (*a*) above ?

(*c*) If not, will the Government be pleased to state why the former Association was not registered ?

The Honourable Mr. J. Crerar : The Government of India have no information on the subject. Inquiries are being made and the result will be communicated to the Honourable Member.

CONVERSION OF LEAVE ALLOWANCES AT 2*s.* PER RUPEE.

637. ***Mr. Sarabhai Nemchand Haji** : (*a*) As the rate of exchange has now been fixed at 1*s.* 6*d.* per rupee, will Government please state why the leave allowances mentioned in Fundamental Rules 89 and 90 are still converted at the rate of 2*s.* per rupee ?

(*b*) Are Government aware that this disparity between allowances drawn in and outside Asia prejudicially affects the interests mainly of Indian officers desiring to take leave in India and, in practice, draws an unnecessary and unrecognised distinction between the Indian and European officers of Government ?

(*c*) Will Government please state what steps they propose to take so as to equalise, at an early date, the rates of allowances, whether drawn in or outside Asia ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) to (*c*). With the exception of the year, *viz.*, the year 1919, the ratio between the sterling and rupee rates of leave allowances in the case of the maxima and minima rates to which the Honourable Member refers, and in the case of these rates only, has been the same since about 1843. My Honourable friend will observe from this that the ratio was maintained in the cases specified even during the years 1894 to 1914 when the rate of exchange was in fact practically stable at 1*s.* 4*d.* to the rupee. Hitherto the situation which I have described and of which my Honourable friend complains has not in fact been the subject of widely expressed grievance on the part of Government servants, no doubt because *inter alia* maxima and minima rates only operate in a relatively small number of cases. For example, as a general rule, Indian officers are not entitled to take more than four months' leave on average pay at a time, and during the first four months' leave on average pay the average pay is not subject to the extraneous limits specified in Fundamental Rule 89.

I must point out that Indian and European officers alike are subject to the rupee maxima and minima if they take leave in India on average pay in excess of four months or in excess of the amount of privilege leave due to them if they are under the Civil Service Regulations. On the other hand, Indian officers, when they take leave outside Asia, benefit by the higher sterling maximum.

As my Honourable friend is aware, the question of the fixation of the rate of exchange between rupee and sterling has been the subject of considerable controversy in the past few years, and this circumstance combined with the other circumstances which I have mentioned has militated against the Government of India considering the question which the Honourable Member has now raised. The Government of India are, however, inclined to think that the time has now come or nearly come when the question should be re-examined, and I will take steps to see that this is done in the near future.

Mr. K. C. Neogy : Why is it, Sir, that this fictitious rate of exchange at 2*s.* is observed in the case of leave allowances for certain officers ?

The Honourable Sir Bhupendra Nath Mitra : The Honourable Member could not have listened carefully to the lengthy answer which I read out on the floor of the House. That rate is not adopted in the case of all leave allowances. It comes into operation in the case of certain maxima and minima rates, and the circumstances which have led to the adoption of the 2*s.* rate of conversion in that particular case have been fully explained by me in the lengthy answer I have given.

PAYMENTS TO OFFICERS OF UNIVERSITY TRAINING CORPS FOR PERIODS SPENT IN CAMP OR AT ANY AUTHORISED COURSE OF INSTRUCTION.

638. ***Pandit Hirday Nath Kunzru** : What steps are being taken by Government to carry out the recommendation of the Auxiliary and Territorial Forces Committee that officers of the University Training Corps should be paid for the period spent in camp or at any authorised course of instruction ?

Mr. G. M. Young : This recommendation will be carried out. I find that, by an error in drafting, the rules, as recently published, debar officers of the University Training Corps from receiving individual pay for periods spent in camp, etc. ; but I am having the rule corrected, and I am glad that the Honourable Member's question has drawn my attention to the point.

EXTRA MESSING ALLOWANCE TO NON-COMMISSIONED OFFICERS AND MEN OF THE UNIVERSITY TRAINING CORPS.

639. ***Pandit Hirday Nath Kunzru** : Are Government aware that the Auxiliary and Territorial Forces Committee recommended the payment of an extra messing allowance to Viceroy's commissioned officers, non-commissioned officers and men of urban units and persons holding corresponding ranks in the Auxiliary Force ? Do Government propose to provide for the payment of the same allowance to the Non-Commissioned Officers and men of the University Training Corps ?

Mr. G. M. Young : The answer to the first part of the question is in the affirmative. The answer to the second part is in the negative.

Pandit Hirday Nath Kunzru : Would not Government be pleased to give the reasons for not giving any allowance to the non-commissioned officers and men of the University Training Corps ?

Mr. G. M. Young : Yes, Sir. The reason roughly is that the University Training Corps are not analogous to either the Auxiliary Force or the urban units of the Territorial Force in this respect. The latter force go into camp for very short periods of training. The University Training Corps, like the provincial battalions of the Territorial Force go into longer periods of training. Where the period of training is short there is greater justification for an extra messing allowance.

Pandit Hirday Nath Kunzru : Is not the status of the University Training Corps the same as that of the urban units considering the social classes from which the students come ?

Mr. G. M. Young : It all depends upon what my Honourable friend means by " status ". Their military status is entirely different.

Pandit Hirday Nath Kunzru : Are Government aware that when the last training camp was held in the United Provinces there was a great deal of dissatisfaction among the men of the University Training Corps on account of the scanty allowance given to them ?

Mr. G. M. Young : I have no information on that point beyond what the Honourable Member has just stated. I should be very glad, however, if any discontent of that kind were officially brought to my notice.

Pandit Hirday Nath Kunzru : Is the Honourable Member aware that I brought this matter to his notice last year ?

Mr. Gaya Prasad Singh : Forgotten.

An Honourable Member : Too long.

Mr. G. M. Young : I must confess I had forgotten that.

ABOLITION OF DUAL COMMISSIONS IN THE CASE OF OFFICERS OF THE UNIVERSITY TRAINING CORPS.

640. ***Pandit Hirday Nath Kunzru :** What progress has been made with the policy of abolishing the dual commission in the case of officers of the University Training Corps ?

Mr. G. M. Young : The policy has been adopted and no further dual commissions will be granted. Those who now hold the dual commissions will be eligible for the grant of the new commission in accordance with the regulations that will be published shortly.

Pandit Hirday Nath Kunzru : Is it proposed to make selections in future in regard to the abolition of the dual commission or will all the officers now in the University Training Corps be *ipso facto* treated as King's commissioned officers ?

Mr. G. M. Young : They have already the honorary King's commission also. I am afraid I have not got the details in my head, but all of them will be equally eligible for the new commission.

POWERS OF COMMAND OVER SUBORDINATE PERSONNEL OF EUROPEAN OFFICERS OF THE INDIAN AUXILIARY FORCE AND INDIAN OFFICERS ON THE SPECIAL INDIAN TERRITORIAL FORCE LIST.

641. ***Pandit Hirday Nath Kunzru :** (*a*) Is there any distinction in the powers of command over subordinate personnel of European officers on the Indian Auxiliary Force list and Indian officers on the special Indian Territorial Force list seconded for duty with the University Training Corps in respect of powers of command over subordinate personnel ?

(*b*) If the reply to the above be in the affirmative when do Government propose to abolish this distinction ?

Mr. G. M. Young : There is no distinction, Sir, in the powers of command of Indian and European officers over subordinate personnel. I may take this opportunity to explain that the proposal to have special list of officers seconded from the Auxiliary Force and the Territorial Force for duty with the University Training Corps has been abandoned. All officers of the University Training Corps will be given commissions in the Indian Territorial Force and will be appointed directly to the various University Training Corps.

ISSUE OF SERVICE RIFLES TO THE UNIVERSITY TRAINING CORPS IN THE UNITED PROVINCES.

642. ***Pandit Hirday Nath Kunzru :** (*a*) With reference to reply given to starred question No. 514, on the 29th August, 1927, will Government be pleased to state whether service rifles have been issued to the University Training Corps in the United Provinces ?

(*b*) If the answer be in the negative when do Government propose to fulfil the promise given by the Army Secretary during the budget debate on the 14th March, 1927 ?

Mr. G. M. Young : Arrangements have been made to supply all University Training Corps in the United Provinces with a number of rifles sufficient to enable them to fire their annual courses of musketry.

The question of replacing all the drill practice rifles with service rifles entails a good deal of expenditure and is still under reference to the local military authorities.

Pandit Hirday Nath Kunzru : Is it a fact that the Honourable Member said in March, 1927, that as soon as arrangements had been made for guarding the arms, there would be no objection on the part of the military authorities to replacing drill practice rifles with service rifles ?

Mr. G. M. Young : That is so.

Pandit Hirday Nath Kunzru : Why is another reference now needed to the military authorities ?

Mr. G. M. Young : I am afraid it is not another reference. The provision of these rifles on a large scale is a matter of some difficulty. I think I might repeat what I have already explained before that it is purely a question of custody and that there is no question of withholding from the University Training Corps weapons which they should consider themselves entitled to have if arrangement can be made. That is proved by the fact that every other University Training Corps in India with the exception of the company at Lyallpur and the company at Patna, which are in the same situation as the United Provinces in this matter, has service rifles.

Pandit Hirday Nath Kunzru : How many rifles are going to be issued to the University Training Corps in the United Provinces ?

Mr. G. M. Young : I do not know the exact number, but it is a number which is sufficient, as I have said, to enable them to fire their annual course of musketry.

Dr. B. S. Moonje : What is the real difficulty in the matter of supplying army service rifles to the University Training Corps ? Is it a difficulty about providing for safe custody, or difficulty about firing ?

Mr. G. M. Young : It is the difficulty of safe custody. The various Universities in the United Provinces do happen to be situated at some distance from the place where the rifles can be stored under guard by the military. I may add that it might be deduced from the persistence of my Honourable friend's questions that there is some feeling of grievance in the United Provinces Universities in regard to this matter. The Government have no reason to suppose that there is any such feeling. It was only the other day that a high military officer told me that he went down to Allahabad and enquired into the state of the University Training Corps there. He found them extremely contented so far as he could make out, and he also said that they were exceedingly efficient. I cannot but think that the members of the University Training Corps take a practical point of view about this matter, that is, that if it is not easy or convenient to supply them with service rifles for drill practice purposes, they are content to do their drill practices with drill practice rifles.

Pandit Hirday Nath Kunzru : Are Government aware that at the last training camp the officers of the University Corps represented to the officer commanding the Allahabad District, probably General Nightingale, their grievances in regard to the non-supply of service rifles ?

Mr. G. M. Young : I am not aware of that fact.

Pandit Hirday Nath Kunzru : Are Government aware that the other University Training Corps have been granted service rifles although they have no better arrangements for guarding them than the University Training Corps in the United Provinces.

Mr. G. M. Young : No. I went into that matter very carefully and that is not my conclusion.

Pandit Hirday Nath Kunzru : Is the Honourable Member aware that at Poona, for instance, the armoury is situated at a distance from the military headquarters and the arms are guarded there by two or three retired military men ?

Mr. G. M. Young : Sir, I am exactly aware of the methods by which arms are guarded at Poona, but I am satisfied that there is no reason to apprehend there any loss of rifles from theft or from other causes. The same circumstances do not apply in the case, at any rate, of all of the University Training Corps in the United Provinces.

Pandit Hirday Nath Kunzru : Are the armouries in the United Provinces badly constructed, and if so, have the Universities been asked to modify them ?

Mr. G. M. Young : Really it is a question of custody by the military.

Pandit Hirday Nath Kunzru : What is the real difficulty which the military authorities have not been able during the last 18 months to overcome in the United Provinces ?

Mr. G. M. Young : It was only in the United Provinces that the question arose. I have already explained the difficulty.

Dr. B. S. Moonje : The only difficulty, as we are given to understand, is the provision of safe custody. But we feel now, at least the impression created by the Honourable Member's answers is that there are other difficulties also. We would like to know definitely what those difficulties are in detail.

Mr. G. M. Young : There is no other difficulty except the difficulty of custody.

Pandit Hirday Nath Kunzru : Is it a matter simply of the employment of the necessary number of men ?

Mr. G. M. Young : It is a matter partly of the employment of the necessary number of men, which is an expense.

Dr. B. S. Moonje : When do you think arrangements will be made for safe custody if that is the only difficulty ? What amount of time and expenses will be required for providing safe custody arrangements, if that is the only difficulty ?

Mr. G. M. Young : I admit that the matter has taken a very long time and it is not settled yet.

Pandit Hirday Nath Kunzru : Has the matter been under consideration for about a year and a half ?

Mr. G. M. Young : My Honourable friend knows when he first raised the question.

POPULATION OF THE DEPRESSED CLASSES.

643. ***Rao Bahadur M. C. Rajah :** With reference to the answer given to my supplementary question to starred question No. 1, regarding the population of the depressed classes, on 4th September, 1928, will Government be pleased to state approximately :

(*a*) how many of the 60 millions are from the territories outside British India ; and

(*b*) how many of the 60 millions belong to the criminal tribes ?

The Honourable Mr. J. Crerar : The attention of the Honourable Member is invited to paragraph 193 of the Census Report of 1921. Government have no information of the population of criminal tribes.

(Mr. Mukhtar Singh was not in his seat when question No. 644 was called.)

Mr. M. S. Aney : May I put the questions standing in the name of Mr. Mukhtar Singh ? He has authorised me to put his questions.

Mr. President : The Honourable Member has not taken the trouble to inform the Chair.

Mr. M. S. Aney : He has written to me that he has informed you also.

Mr. President : I am not sure, but I shall give the benefit of the doubt to the Honourable Member.

(Mr. M. S. Aney put questions Nos. 644 to 649, both inclusive, standing in the name of Mr. Mukhtar Singh.)

STOPPAGE OF THE RECRUITMENT OF NON-MUSLIMS AS COMPOSITORS IN THE GOVERNMENT OF INDIA PRESS, DELHI.

644. ***Mr. M. S. Aney** (on behalf of Mr. Mukhtar Singh) : (*a*) Will Government be pleased to state the number of (*i*) Muhammadan, (*ii*) non Muhammadan compositors in the Government of India Press, Delhi ?

(*b*) Will Government be pleased to state the number of vacancies (*a*) permanent and (*b*) temporary filled in the composing staff of the Delhi Press since 1st November, 1927 ? Will the Government be further pleased to state the number of posts given to (*a*) Muslims and (*b*) non Muslims during the above period ?

(*c*) Will Government be pleased to state if it is a fact that orders have been issued stopping the recruitment of non-Muslims as compositors in the Government of India Press, Delhi ? If the answer be in the affirmative will the Government be pleased to state the reasons for issuing such an order ?

(*d*) Is it a fact that non-Muslim compositors applied for the posts of compositors during the period of 1st November, 1927, till date in the Government of India Press, Delhi and their applications were rejected simply because they were not Muhammadans ?

(*e*) Is it a fact that Muhammadan compositors aged from 50 to 70 years have been recently employed in preference to non-Muslim young compositors ? If the answer be in the affirmative, will the Government be pleased to state why such a preferential treatment has been adopted ?

The Honourable Mr. A. C. McWatters : The information is being obtained and will be supplied to the Honourable Member in due course.

PROHIBITION OF THE SALE OF VEGETABLE GHEE.

645. ***Mr. M. S. Aney** (on behalf of Mr. Mukhtar Singh) : (*a*) Has the attention of the Government been drawn to page 234 of the Royal Agricultural Commission's Report ? If so, what action do Government propose to take to prohibit the sale of hydrogenated oils and other products under the name of vegetable ghee, *Vanaspati* ghee or the like ?

(*b*) Will the Government be pleased to take necessary steps so that the vegetable oil be not adulterated with ghee or sold under any such name which may suggest that it is the same or a similar product as ghee ?

The Honourable Sir George Rainy : The matter is engaging the attention of the Government of India who are in communication with Local Governments on the subject.

COST OF CARRYING A TON OF GOODS ONE MILE ON CERTAIN RAILWAYS.

646. ***Mr. M. S. Aney** (on behalf of Mr. Mukhtar Singh) : Will the Government be pleased to state the cost of carrying a ton of goods on the following Railways to a distance of one mile in (*a*) open trucks (*b*) in closed wagons ?

(*i*) North Western Railway.

(*ii*) Great Indian Peninsula Railway.

(*iii*) East Indian Railway.

(*iv*) Bombay, Baroda and Central India Railway.

Mr. A. A. L. Parsons : The fiugres are not compiled separately for open and closed wagons. For goods vehicles as a whole, on these and other Class I Railways, the Honourable Member will find the information in columns 15 and 16 of statement 15 in Volume II of the Report by the Railway Board on Indian Railways for 1926-27 and previous years.

IMPORT OF ARTIFICIAL FLOUR.

647. ***Mr. M. S. Aney** (on behalf of Mr. Mukhtar Singh) : (*a*) Is it a fact that artificial flour synthetically made from wood is imported into this country and is mixed up with the grain flour and sold in the market ? If the answer be in the affirmative, will the Government be pleased to state under what heads the article is entered at the Customs House ?

(*b*) Have Government analysed this product and do Government consider it fit for human consumption ?

Mr. G. S. Bajpai : The Government of India have no information, but have made enquiries.

SAVING OF THE SUGAR INDUSTRY FROM EXTINCTION IN INDIA.

648. ***Mr. M. S. Aney** (on behalf of Mr. Mukhtar Singh) : Have Government decided to take any step to save the sugar industry of this country from extinction ? If so, will the Government be pleased to state the steps proposed to be taken in this behalf ?

Mr. G. S. Bajpai : Government are still considering the matter.

RENTS OF DIFFERENT QUARTERS ALLOTTED TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

649. ***Mr. M. S. Aney** (on behalf of Mr. Mukhtar Singh) : Will Government be pleased to state the basis upon which the rent is fixed for the different quarters allotted to the Members of the Assembly ? What percentage of the price of furniture is included in the calculation of rent of these quarters ?

The Honourable Mr. A. C. McWatters : The rents in Simla were fixed by adding percentages of the capital cost of the land, buildings, sanitary, water and electric installations and furniture to charges on account of maintenance, taxes and certain services, an addition being made to allow for the fact that the quarters would only be occupied by the Members for short periods. The percentage on the price of the furniture included in the calculation is 20 per annum.

Mr. Gaya Prasad Singh : Are Government aware that the prices of furniture have been put ridiculously high and this indicates the existence of fraud in the Department concerned ?

The Honourable Mr. A. C. McWatters : I am not aware of that. The furniture, I believe, was bought at a time when it was expensive.

Mr. Gaya Prasad Singh : Has the Honourable Member seen the furniture himself ? If he has not, will he kindly go round and see the sort of furniture that has been given in the Cart Road quarters ?

The Honourable Mr. A. C. McWatters : I have not seen it, but I shall be very glad to go round and see it for myself.

Mr. Gaya Prasad Singh : I shall be very glad if the Honourable Member will kindly do so, and look to the prices.

REVISION OF THE PAY OF THE CLERICAL STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

650. ***Mr. Satyendra Chandra Mitra** : (*a*) What were the recommendations of the then Director-General of Posts and Telegraphs, Sir (then Mr.) G. R. Clarke in connection with the revision of pay of the clerical staff of his office in 1920-21 ?

(*b*) What was the basis of his recommendations ?

(*c*) Were the recommendations of the Director-General accepted by the Government of India ?

(*d*) If the answer to (*c*) be in the negative, will Government please state the reasons ?

The Honourable Mr. A. C. McWatters : Government are not prepared to disclose the nature of their departmental discussions.

PAY OF ASSISTANT DIRECTOR-GENERAL OF THE POST OFFICE.

651. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the scale of pay for the Assistant Directors-General of the Post Office is superior to that of the Assistant Secretaries in the Government of India Secretariat ?

(*b*) What is the reason for the difference between the two scales ?

The Honourable Mr. A. C. McWatters : (*a*) The scales rise by the same annual increment of Rs. 50 from the same minimum, Rs. 1,000 : to Rs. 1,250 in the case of Assistant Secretaries and to Rs. 1,500 in the case of Assistant Directors-General.

(*b*) The pay of each has been fixed with regard to the nature and conditions of the work.

Mr. Satyendra Chandra Mitra : Do not the Assistant Directors-General get an extra pay in addition ?

The Honourable Mr. A. C. McWatters : No.

REORGANISATIONS OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

652. ***Mr. Satyendra Chandra Mitra** : (*a*) How many reorganisations (major and minor) have taken place in the office of the Director-General Posts and Telegraphs since 1923 ?

(*b*) Will Government please briefly state them and the names of gentlemen who were entrusted with the work ?

(*c*) Did Government take any steps to give effect to their recommendations ?

(*d*) Will Government please state the reasons why it was considered necessary to have another re-organisation this year ?

The Honourable Mr. A. C. McWatters : (*a*) Four.

(*b*) and (*c*.) The reorganisation proposed by Mr. Hamilton in April, 1925, was not given effect to. On the recommendations made by the Posts and Telegraphs Department Committee, 1924-25, and by Rai Bahadur J. P. Ganguli in December 1925, separate Budget and Establishment Branches were formed in 1926 and 1927. After the transfer of the office from Calcutta to New Delhi, the different branches and sections were re-arranged in April 1928 by the officers of the Direction.

(*d*) In July last Government considered it necessary to employ Rai Bahadur J. P. Ganguli as special officer again to make a detailed review of the staff necessary to carry on the work under the arrangements made in April last. The report recently received from him reveals justification for the action taken by Government.

(*e*) No ; but the transfer of the office from Calcutta to Delhi rendered the latest reorganisation necessary.

CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

653. ***Mr. Satyendra Chandra Mitra** : (*a*) Do Government contemplate deputing an outsider from among the gazetted rank of Superintendents of Post Offices to the office of the Director-General, Posts and Telegraphs to work in place of the Chief Superintendent of the office now on leave ?

(*b*) If so, will Government be pleased to state why the claim of the existing senior fit officials in the office from the cadre of Superintendents downwards has been ignored ?

(*c*) Were any of the existing senior officials tried for the post ?

(*d*) If so, how many, and who were they ?

(*e*) Will Government please state the reasons for bringing in an outsider.

The Honourable Mr. A. C. McWatters : (*a*) Yes, temporarily.

(*b*), (*c*), (*d*) and (*e*). A recent inspection of the office by an independent officer revealed such an unsatisfactory state of affairs that the Director-General considered it necessary to adopt special steps to improve matters. He selected, with the concurrence of Government, a gazetted officer of the rank of Superintendent of Post Offices for the duties of the Chief Superintendent as a temporary measure. This post is a selection post, and seniority gives no claim, either to be tried in or appointed to it.

Mr. Satyendra Chandra Mitra : Will the Honourable Member tell the House if the senior officers of the department will be given a chance ?

The Honourable Mr. A. C. McWatters : The selection of an outside officer was made deliberately because of the results of the inquiry made by the special officer. It was not considered that any of the senior officers would be as good as the man we have selected for this particular and very difficult task of reorganisation.

MR. B. G. KUNDU, ASSISTANT POSTMASTER GENERAL, BURMA.

654. ***Mr. Anwar-ul-Azim** : With reference to the reply of the Director General of Posts and Telegraphs to my question in the last Session is Mr. B. G. Kundu still continuing to act as an Assistant Postmaster General, Burma ?

Mr. P. G. Rogers : Yes.

PROMOTION OF CLERKS AND OFFICERS ON THE ASSAM-BENGAL RAILWAY.

655. *Mr. Anwar-ul-Azim : Will Government be pleased to state on what basis promotions are given to the clerks and officers on the Assam Bengal Railway ? Do they make any distinction between Mussalmans and others in matter of promotion ?

Mr. A. A. L. Parsons : Definite grades and scales of pay are laid down for clerks and increments are given in these scales provided the work performed has been satisfactory. Officers are on time-scales and promotions from grade to grade are granted on occurrence of vacancies with selection for posts outside the ordinary grade. No distinction is made between Muslims and others in the matter of promotion.

RECRUITMENT OF CLERKS BY THE STATISTICAL OFFICER, EASTERN BENGAL RAILWAY.

656. *Mr. Anwar-ul-Azim : Will Government be pleased to state how many clerks have been recruited by the Statistical Officer, Eastern Bengal Railway, Sealdah, from January up to 31st August 1928, and how many of them are Mussalmans ?

Mr. A. A. L. Parsons : 38 clerks have been recruited by the Statistical Officer of the Eastern Bengal Railway during the period mentioned. Government regret that for reasons which had previously been explained, they do not consider it desirable to give figures of the communal composition of individual offices ; but I can informs the Honourable Member that applications from Muslims for these posts were only about 1 per cent. of the total applications and that the numbers of Muslims taken in were much in excess of this percentage even, though certain of the Muslim applicants who were offered posts did not accept them.

Maulvi Abdul Matin Chaudhury : Were the posts advertised in the newspapers ?

Mr. A. A. L. Parsons : If the Honourable Member requires details of that description, he ought to have asked for them in the original question. He must give me notice.

PASSENGER SUPERINTENDENTS, EASTERN BENGAL RAILWAY.

657. *Mr. Anwar-ul-Azim : Will Government be pleased to state how many Passenger Superintendents have been recruited by the Traffic Manager, Eastern Bengal Railway, from January up to 31st August 1928, and what are their respective qualifications, and how many of them are Mussalmans ?

Mr. A. A. L. Parsons : One passenger Superintendent, who had previous railway experience, was recruited. He was not a Muslim.

REPRESENTATION OF MUSLIMS ON THE ASSAM BENGAL RAILWAY.

658. *Mr. Anwar-ul-Azim : (*a*) Will Government be pleased to state whether the Secretary of the Chittagong Islamia Association addressed a demi-official letter on the 17th July 1926, to Mr. Stevenson, the then Chief Engineer of the Assam Bengal Railway with regard to Muslim representation ?

(*b*) Is it a fact that the Chief Engineer by his letter No. 9738-9744, dated the 13th July, 1926, circulated all the offices under him to give effect to the request contained therein ?

Mr. A. A. L. Parsons : The Agent of the Assam Bengal Railway has been asked to furnish this information, and it will be communicated to the Honourable Member as soon as his reply is received.

NUMBER OF MUSLIM AND HINDU CLERKS IN CERTAIN SPECIFIED OFFICES OF THE ASSAM-BENGAL RAILWAY.

659. *Mr. Anwar-ul-Azim : Will Government be pleased to state what is the number of Muslim and Hindu clerks in the following offices under the administration of the Assam-Bengal Railway :

(1) Traffic Manager's Office.
(2) Agent's Office.
(3) Chief Engineer's Office.
(4) Chief Auditor's Office.
(5) Loco. and Carriage Superintendent, Paharlali, Chittagong Office.
(6) Offices of the District Traffic Superintendents.
(7) Offices of the District Engineers ?

Mr. A. A. L. Parsons : Government regret that, for reasons which have previously been explained, they are not prepared to give the figures of communal representation in individual offices.

Maulvi Abdul Matin Chaudhury : Is it a fact that Government is refusing the information because very few Muhammadans are appointed to these posts ?

Mr. A. A. L. Parsons : No, Sir.

GAZETTED POSTMASTERS.

660. *Mr. Anwar-ul-Azim : Will Government be pleased to state what is the total number of gazetted Postmasters all over India, and how many of them are Mussalmans ?

The Honourable Mr. A. C. McWatters : The total number of gazetted Postmasters, including the Presidency Postmasters, is 48. Of these 3 are Mussalmans.

CONSTRUCTION OF THE CHITTAGONG-DUHAZARI AND THE CHITTAGONG-NAZIRHAT RAILWAYS.

661. *Mr. Anwar-ul-Azim : (*a*) Will Government be pleased to state if the works of construction of the proposed new Chittagong-Duhazari and the Chittagong-Nazirhat Railways have yet been started by the Assam-Bengal Railway ?

(*b*) When is it likely to be completed ?

(*c*) Is it a fact that there is no railway station to the northern side of the Chittagong town, where most of the passengers and traffic gather ?

Mr. A. A. L. Parsons : (*a*) The work on the Chittagong-Nazirhat Railway has been started and the project of the Chittagong-Duhazari Railway is under the consideration of the Board.

(*b*) The Chittagong-Nazirhat Railway is expected to be completed in January 1930. No date can be given for the Chittagong-Duhazari Railway since it has not yet been decided when the project can be taken up.

(*c*) It is a fact that there is at present no railway station to the northern side of the Chittagong town.

RECRUITMENT OF THE STAFF FOR THE NEW CONSTRUCTIONS OF THE ASSAM-BENGAL RAILWAY AT FENI AND CHITTAGONG.

662. ***Mr. Anwar-ul-Azim** : (*a*) Will Government be pleased to state by what notifications the staffs have been recruited to work in various capacities in connection with the new constructions of the Assam Bengal Railway at Feni and Chittagong ?

(*b*) Were these ever advertised in any local newspapers ?

(*c*) Who is the authority responsible for the recruitment of the staff in connection with these new constructions ?

Mr. A. A. L. Parsons : (*a*) and (*b*). I would refer the Honourable Member to the reply already given by me to his question No. 531 of the 13th September.

(*c*) The Administration of the Assam Bengal Railway Company.

NUMBER OF THE MUSLIMS AND NON-MUSLIMS EMPLOYED IN CERTAIN SPECIFIED OFFICES.

663. ***Mr. Anwar-ul-Azim** : Will Government be pleased to lay on the table a statement showing the following information together with the rates of pay of all classes of employees in each office ?

Name of Offices.	Senior Acct.		Junior Acct.		S. A. S.		U. Dvn. clerks.		L. Dvn. clerks.		Duftries.		Peons.		Rates of pay.	REMARKS.
	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.	Muslim.	Non-Muslim.		
Military Accountant General's Office.																
Military Finance Branch																
Audit Office (Indian Stores Department).																
Accountant General, Post & Telegraph's Office.																
Accountant General, Railway's Office.																
Military Audit Office ..																
Auditor-General's Office																

The Honourable Sir Bhupendra Nath Mitra : The information required by the Honourable Member is being collected and will be furnished to him in due course.

APPOINTMENT OF A SECRETARY TO THE PORT COMMISSIONERS, CHITTAGONG.

664. ***Mr. Anwar-ul-Azim** : Will the Honourable the Commerce Member be pleased to state, how far the case regarding the appointment of a Secretary to the Chittagong Port Commissioners has matured ?

The Honourable Sir George Rainy : The Government of India have sanctioned the proposals of the Commissioners for the Port of Chittagong for the creation of a post of whole-time Secretary to the Commissioners with effect from the date on which the Indian Merchant Shipping (Amendment) Act, 1928, comes into force.

OPENING OF A TECHNICAL SCHOOL IN CONNECTION WITH THE ASSAM-BENGAL RAILWAY AT CHITTAGONG.

665. ***Mr. Anwar-ul-Azim** : Will Government be pleased to state how far the proposal for the opening of a Technical School at Chittagong (Pahartali) in connection with the Assam Bengal Railway has progressed ?

Mr. A. A. L. Parsons : The Railway Board understand that the Government of Bengal has raised the question of providing facilities for training apprentices at Pahartali with the Agent of the Assam Bengal Railway, and that the Director of Industries, Assam, is also interested in the project. They further understand that the Agent of the Railway has expressed his willingness to assist in providing such facilities. As the Honourable Member will realise, the matter is one primarily for the two Provincial Governments concerned.

REVERSION OF WIRELESS OPERATOR B. C. DEY, RANGOON, TO THE TRAFFIC BRANCH.

666. ***U. Tok Kyi** : (*a*) Will Government be pleased to state the reasons why Wireless Operator B. C. De, Rangoon, was reverted to the Traffic Branch ?

(*b*) Is there any proposal before the Government to recruit to the Wheatstone Wireless Branch at Rangoon only Anglo-Indians by nomination without calling for volunteers ?

Mr. P. G. Rogers : (*a*) Telegraphist B. C. De, while under training in Wheatstone Wireless work, was found to be unsuitable for that particular work and was consequently reverted to the Traffic Branch.

(*b*) No.

U. Tok Kyi : Is the Honourable Member aware that Mr. B. C. De has incurred the displeasure of his superiors by serving on the Committee of the All-Indian Telegraphic Union ?

Mr. P. G. Rogers : No, Sir. Even if he were on the Committee, he would not incure the displeasure of his official superiors on that account.

GRANT OF HOUSE RENT TO STATION SERVICE MEN OF THE TELEGRAPH DEPARTMENT.

667. ***U. Tok Kyi** : (*a*) Will Government be pleased to state if it is a fact that in the Telegraph Department only general service men are granted house rent, and not the station service men ?

(*b*) If so, do Government propose to remove the grievance of the station service men ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Government do not consider that the station service telegraphists have any reasonable grievance. Their pay was fixed on a consolidated basis and on the distinct understanding that no house rent allowance would be admissible. Unlike their confreres in the general service, the station service men are not liable to transfers throughout India.

OPENING OF A SCHOOL FOR TRAINING TELEGRAPHISTS IN BURMA.

668. ***U. Tok Kyi** : Is there any school for training telegraphists in Burma ? If not, do Government propose to open such a school in Rangoon at an early date to enable Burmans to undergo training in telegraphy ?

Mr. P. G. Rogers : If the Honourable Member refers to departmental classes for training in telegraphy, one already exists in Rangoon. If, however, his question relates to the telegraph classes established in certain educational institutions in India for providing trained recruits for the Telegraph Department, then no such training classes exist in any educational institutions in Burma. It is not proposed to open any, since all such classes are being closed in India, owing to the adoption of new rules for recruitment for the telegraph service.

DEPRESSED CONDITION OF THE SILK WEAVING INDUSTRY IN SOME PARTS OF BENGAL, ETC.

669. ***Mr. K. C. Neogy** : (*a*) Has the attention of Government been drawn to the observations made in the report of the Royal Commission on Agriculture in India regarding the " competition which is already confronting the Indian silk industry from artificial silk ", and the risk that the demand for the natural article will weaken if the use of artificial silk continues to increase at its present rate ?

(*b*) Has the attention of Government also been drawn to a series of articles by Mr. J. N. Sarkar, M.A., which appeared in the *Amrita Bazar Patrika* during the last week of August, under the heading " Decline of Indian Silk Industry ", in which the writer has tried to show that the apprehension of the Royal Commission on Agriculture as indicated in part (*a*) above, has already come true, and particularly that the silk weaving industry in some parts of Bengal is in a very depressed condition ?

(*c*) Did Government at any time consult the Local Governments regarding the effect of increasing imports of artificial silk yarn and fabrics on the indigenous silk industry, either before or after effecting the reduction in the import duty on artificial silk yarn last autumn ? If so, when and with what result ?

(*d*) Do Government propose to take any action in the matter, particularly in view of the observations of the Royal Commission on Agriculture quoted above ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) Yes.

(*c*) No.

(*d*) The figures available do not show that the increasing imports into India of artificial silk yarn and manufactured goods have been accompanied by a decrease in the Indian demand for the natural article. The facts known to the Government of India do not disclose any grounds for action.

Mr. K. C. Neogy : Do I take it that the Government have decided to take no notice of this particular observation of the Agricultural Commission ?

The Honourable Sir George Rainy : I do not think the Honourable Member is entitled to draw that inference.

Mr. K. C. Neogy : What are the materials at the disposal of the Honourable Member, beyond the figures which he has mentioned, which have enabled him to come to the conclusion to which he has ?

The Honourable Sir George Rainy : The figures available to the Government of India are the same as those available to Honourable Members of this House. They are those which are published in the trade returns.

Mr. K. C. Neogy : May we not expect the Government of India to address Local Governments on this question in view of the definite observations made by the Royal Commission on Agriculture ?

The Honourable Sir George Rainy : It is precisely in view of the nature of the observations made by the Royal Commission that I give the answer which I did give. They say :

" Unfortunately there are no figures available for the total production of natural silk in India, but it has been stated in evidence that at present the demand for natural silk has not declined. "

Mr. K. C. Neogy : Do not the Government think that the Provincial Governments might be in a position to assist them in this matter ?

The Honourable Sir George Rainy : If the position were such as the Honourable Member apprehends it to be, I should have expected that the Local Governments would have addressed the Government of India.

PRIVATE NOTICE QUESTION AND ANSWER.

ISSUE OF TREASURY BILLS WITHIN THREE WEEKS OF THE GOVERNMENT OF INDIA LOAN BEING FULLY SUBSCRIBED.

Sir Purshotamdas Thakurdas : (1) Will Government be pleased to state the reasons why they have been compelled to issue Treasury Bills in India within three weeks after getting their loan this year of Rs. 35 crores fully subscribed and within less than ten days after their borrowing £6 millions in London last month ?

(2) Do Government think that it will be necessary for them to borrow further in London this financial year ?

(3) Do Government expect to have to continue borrowing on Treasury Bills in India hereafter this year ?

(4) Are Government aware of the increasing want of credit in India during the last few months and do they intend to take any measures in this connection which will assure the public in India ?

The Honourable Sir Bhupendra Nath Mitra : (1) The Revised Estimate for 1927-28 assumed that the outstandings of Treasury Bills with the public at the close of the year would be 9 crores. As a matter of

fact, Government issued fewer Treasury Bills in March last, and the outstandings amounted to 7½ crores only. Further, Railway Capital Expenditure last year was about 2½ crores more than the Revised Estimate. The net result is, therefore, that the cash position at the beginning of the current year was 4 crores worse than assumed in the Budget. The Honourable Member is no doubt aware, *firstly*, that Government *did* contemplate the issue of Treasury Bills in the current year to an amount which would leave the outstandings at the close of the year at 9 crores, and *secondly*, that while large disbursements have to be made in September and October on account of discharges of War Bonds, 1928, and of maturing Treasury Bills, land revenue does not begin to flow in till late in January. It is accordingly necessary, in accordance with the Budget programme, that Treasury Bills should be issued in certain months of the year in order to tide over a period when there is a considerable gap between public receipts and outgoings. It is hardly necessary for me to point out, what will have been obvious to the Honourable Member from the Budget Statement, that Government have been doing everything in their power latterly to economise in the way of treasury balances.

(2) and (3). Whether Government will borrow further in London or continue to borrow on Treasury Bills in India are matters which must necessarily depend on circumstances from time to time. Clearly, Government cannot bind themselves beforehand to any particular course of action, but I can assure the Honourable Member that Government will do their best to direct their operations in such a way as to cause the minimum inconvenience to the Indian money market. As a matter of fact, the resumption of the issue of Treasury Bills has coincided with the resumption of the purchases of sterling, so that, in effect, what Government take from the market with the one hand they will give to it with the other.

(4) Government are not aware that there is an increasing lack of credit in India which justifies any special action on their part. They are, of course, aware that the cash balances at the Imperial Bank of India have recently been lower than in previous years—a circumstance which is probably accounted for to a large extent by the hold up of cotton. In any case, Government have received no special representations in the matter and have no present intention of taking any specific measures in the direction indicated by the Honourable Member who is probably aware that since the beginning of December last there has been a net expansion of currency to the extent of Rs. 3 1 3 crores.

Sir Purshotamdas Thakurdas : Can the Honourable Member tell the House what was the outstanding amount of Indian Treasury Bills at the end of last month ?

The Honourable Sir Bhupendra Nath Mitra : I have not the precise figures with me, Sir, but I believe the amount outstanding with the public was in the neighbourhood of ten crores.

Sir Purshotamdas Thakurdas : Which is higher than what the Government of India expected to close last year with ?

The Honourable Sir Bhupendra Nath Mitra : That is probably so.

Sir Purshotamdas Thakurdas : And in spite of the Government having got all the 35 crores which they had asked for ?

The Honourable Sir Bhupendra Nath Mitra : That is perfectly true. I have explained the position in my answer. The amount outstanding at the end of the year may be a particular figure. The amount outstanding at the end of any particular month may be a higher figure, however, for the reason that our receipts and outgoings from month to month do not tally.

Mr. Vidya Sagar Pandya : How will they compare on an average with the last year ?

The Honourable Sir Bhupendra Nath Mitra : I do not quite understand that question.

Mr. Vidya Sagar Pandya : How do the Treasury Bills this year compare on an average with the last year ?

The Honourable Sir Bhupendra Nath Mitra : I much regret I still fail to appreciate the Honourable Member's question. As a matter of fact this year the sale of Treasury Bills has been suspended for some months.

(Mr. Vidya Sagar Pandya repeated the question.)

Sir Victor Sassoon : Is the amount for this month the same as for the similar month of the previous years or not ?

The Honourable Sir Bhupendra Nath Mitra : If my Honourable friend wants to know what the total amount of sales this month is likely to be, I much regret I am unable to give him that information.

Sir Victor Sassoon : The question is this. The amount outstanding, as I understand from the answer, is ten crores. How does this amount compare with the amount outstanding this month last year and this month in the previous year ?

Mr. Vidya Sagar Pandya : I hope the matter is now quite clear to the Honourable the Finance Member.

The Honourable Sir Bhupendra Nath Mitra : I have not got the figures here, Sir, and I am not sure whether it would be possible for me to disclose the figures.

Sir Purshotamdas Thakurdas : Sir, as regards the total amount of 35 crores which the Government of India asked for through the loan, did that include repayment of Treasury Bills outstanding ?

The Honourable Sir Bhupendra Nath Mitra : If my Honourable friend had read the Budget statement of this year, he would have found that it contemplated the raising of 32 crores by Treasury Bills this year and the repayment by Government during the year of an equal amount leaving the outstandings at the end of the year at 9 crores.

Sir Purshotamdas Thakurdas : Does that include the Treasury Bills in the Paper Currency Reserve, Sir ?

The Honourable Sir Bhupendra Nath Mitra : No, Sir. I do not think that includes the Treasury Bills in the Paper Currency Reserve. I am sorry the figure I gave of 32 crores was not correct, it is 35 crores : those 35 crores are the Treasury Bills issued to the public.

Sir Purshotamdas Thakurdas : Regarding the Honourable Member's reply to my question No. 4, do I take it that the Honourable Member wants this House to believe that the Government of India are not aware of the increasing want of credit in commercial circles in India ?

Mr. President : Order, order. The Honourable Member has already said so.

Sir Purshotamdas Thakurdas : I want the Honourable Member to repeat his reply so that I may not misunderstand it, Sir. I want to know whether the Honourable Member asks us to believe that the Government of India are not aware of the increasing want of credit in India during the last few months.

The Honourable Sir Bhupendra Nath Mitra : I can only repeat part of the answer which I have already given to the House. Government are not aware that there is an increasing lack of credit in India which justifies any special action on their part.

Sir Purshotamdas Thakurdas : Are Government aware that the bank rate has all this slack season been at five per cent. ?

The Honourable Sir Bhupendra Nath Mitra : Government are fully aware of that ; and if the Honourable Member had listened to my reply, he would have found out that a later portion of my answer to that particular part of his question refers to the fact that the cash balances of the Imperial Bank have recently been lower than in previous years.

Sir Purshotamdas Thakurdas : Are Government also aware that call money rate has been ruling between 3½ per cent. and 4 per cent. all through the monsoon period ?

The Honourable Sir Bhupendra Nath Mitra : They are aware of that. Sir, but it does not follow that that justifies any special action on their part.

Mr. R. K. Shanmukham Chetty : May I know what conclusion the Government of India have drawn from the facts that the bank rate was 5 per cent. during the slack season and that the cash balances with the Imperial Bank have gone down ?

The Honourable Sir Bhupendra Nath Mitra : The Government of India have drawn the precise conclusion to which I have referred in my answer to the main question.

Mr. R. K. Shanmukham Chetty : My Honourable friend's answers are so long that it is impossible to make out what exactly the point of these answers is. Sir, I have listened to that answer very carefully and he has not indicated what conclusion the Government of India have drawn from these figures.

The Honourable Sir Bhupendra Nath Mitra : The conclusion which my Honourable friend wants the Government of India to draw is that credit is becoming increasingly difficult in India.

Mr. R. K. Shanmukham Chetty : If Government disagrees with that, what is the conclusion that they draw from these facts ?

The Honourable Sir Bhupendra Nath Mitra : The conclusion they draw is that the circumstances are not such as to justify the Government of India to take any special action in the matter. I am sorry that the answer to the main question is a long one, but the question itself dealt with matters of some importance and it was not possible for me to confine my answer to a smaller compass. As a matter of fact, the result of the supplementary questions is that we are drifting into a regular discussion

ESTABLISHMENT OF AN ELECTED BOARD IN PESHAWAR CANTONMENT.

382. **Maulvi Sayyid Murtuza Saheb Bahadur** : (*a*) Will the Government be pleased to state whether it is a fact that the civil population of Peshawar Cantonment is more than 25,000 ?

(*b*) If so, will the Government be pleased to state why an elected Board should not be now given to the residents of that Cantonment as allowed by the Cantonment Act ?

Mr. G. M. Young : (*a*) I have no separate figures to show the number of the civil population in the Peshawar Cantonment. The Census Report of 1921 shows the total population of the Cantonment as 25,025.

(*b*) Under the provisions of clause (*b*) of the proviso to section 14 (1) of the Cantonments Act, 1924, the constitution of an elected board in a Cantonment in the North-West Frontier Province does not depend on the numbers of its civil population, but on the discretion of the Local Government.

GRIEVANCES OF TOWN INSPECTORS OF POST OFFICES.

383. **Mr. G. Sarvotham Rao** : (*a*) (*i*) Has the attention of the Government been drawn to the issue of the *Tribune*, dated the 13th June 1928 under the heading " Post Office Town Inspectors " ?

(*ii*) Are the facts stated therein substantially correct ?

(*iii*) If so, what action, if any, has been taken ?

(*b*) Will the Government be pleased to say (1) whether the Postal Superintendents, the Postal Overseers, the Sorting Postmen, the Branch Postmasters and the Postal Muffasil Inspectors were removed from their permanent posts and transferred to the next subordinate lines when the scale of pay in respect of each of the above classes was raised by the Government and (2) whether the above-mentioned officials were replaced by men who rendered more years' service in the subordinate lines ?

(*c*) If not, why have the officials who were taken as recruits from clerks and appointed substantively as Town Inspectors long ago in preference to their clerks been replaced by clerks ? What action has been taken by the Government to redress the grievances of the aforesaid Town Inspectors ?

(*d*) Is it a fact that the postal Town Inspectors attached to the First Class Head Office stations have been supervising the work of the clerks—senior or junior ?

The Honourable Mr. A. C. McWatters : Government have seen some papers containing articles regarding the Postal Town Inspectors. Representations from Service Associations, Town Inspectors and other postal officials regarding the operation of the orders relating to the appointments of Town Inspectors have been received and are at present under my consideration.

CREDITING TO THE GOVERNMENT AND NOT TO THE CANTONMENT FUND OF INCOME FROM FELLED TREES OF " A " CLASS LAND IN CANTONMENTS.

384. **Pandit Thakur Das Bhargava** : (*a*) Is it a fact that since the classification of Cantonment land into " A ", " B " and " C " classes

and the putting of " A " class land entirely in charge of the military officers, the income from felled trees of " A " class land is credited to the Government and not to the Cantonment Fund ?

(*b*) Is it a fact that " A " class land was in the charge of the Cantonment Authority before 1924, and is it true that all the trees standing thereon were planted and nourished at the expense of the Cantonment Fund ?

(*c*) Will the Government state the grounds for appropriating to itself the ' receipts ' from the trees planted by the Cantonment Authority ?

(*d*) Is it a fact that the All-India Cantonments Association has taken strong objection to this diversion of Cantonment Fund receipts to the Government by executive instructions ?

(*e*) Do the Government propose to reconsider the matter and direct that the receipts from trees standing on " A " Class land be as before credited to the Cantonment Fund ?

Mr. G. M. Young : (*a*) Yes.

(*b*) Before 1924, all Government lands in Cantonments, except those in actual military occupation, were managed by the Cantonment Authority as the representative of the Secretary of State for India. Receipts and expenditure connected with these lands, including the planting and tending of trees thereon, passed through the accounts of the Cantonment Fund, but the Fund itself vested in His Majesty and the Cantonment Authority was not the owner of any property.

(*c*) The ownership of trees follows the ownership of the land on which they stand. Unless the land on which the trees stand is transferred to the Cantonment Authority under section 108 of the Cantonments Act, 1924, the trees do not vest in or belong to that authority.

(*d*) The Association has made a protest.

(*e*) The answer is in the negative, for the reasons stated above.

ELECTION OF THE VICE-PRESIDENT, CANTONMENT BOARD, ABBOTTABAD.

385. **Pandit Thakur Das Bhargava** : (*a*) Is it a fact that though the Cantonment Board, Abbottabad, was constituted in the beginning of the current year, yet no Vice-President has been elected in that Board so far ?

(*b*) Are Government aware that under section 20 (2) of the Cantonments Act it is obligatory for a Board to elect the Vice-President ?

(*c*) Is it a fact that the All-India Cantonments Association drew the attention of the Northern Command to the matter in their letter No. 764-A., dated the 1st July 1928 ?

(*d*) Will the Government state :

(*i*) why the provisions of section 20 (2) were ignored so long in Abbottabad ; and

(*ii*) when the election of the Vice-President can be expected to be held ?

Mr. G. M. Young : I am making enquiries and will let the Honourable Member know the result.

ESTABLISHMENT OF AN ELECTED CANTONMENT BOARD IN CHAKRATA.

386. **Pandit Thakur Das Bhargava** : (*a*) Is it a fact that Chakrata had a civil population of 3,140 according to the last Government Census Report and the present population is about 4,000 ?

(*b*) Is it a fact that under section 14 of the Cantonments Act, it is the right of every Cantonment outside the North-West Frontier Province, having a civil population of 2,500 or over to have an elected Board there ?

(*c*) Is it a fact that Chakrata, though entitled to an elected Board under the Act, is still administered by a Corporation Sole ?

(*d*) Is it a fact that the All-India Cantonments Association protested against the constitution of a " Corporation Sole " in Chakrata but that the Army Department refused to change the constitution ?

(*e*) Will Government be pleased to state the reasons that have led the Government to establish a " Corporation Sole " in Chakrata in spite of its having a civil population of more than 2,500 ?

(*f*) Are Government aware that the people of Chakrata greatly resent their being deprived of their civic rights, and have many grievances due to their having no voice in the administration ?

Mr. G. M. Young : (*a*) The last Government Census Report shows the permanent population of the Chakrata Cantonment as 1,459, and the temporary population during the hot weather as 3,661. These figures apparently include both the civil and the military population. Government have no information as regards the present population, but the civil population during the cold weather is very small.

(*b*) The Honourable Member's attention is invited to section 11 of the Act. The discretion to constitute or not to constitute a Cantonment Board in any Cantonment rests with the Governor General in Council irrespective of the size of the civil population. Section 14 merely regulates the composition of a Cantonment Board if it has been decided to establish one.

(*c*) The Chakrata Cantonment is administered by a " Corporation Sole." It is not entitled to an elected board under the Act.

(*d*) Yes.

(*e*) The Cantonment has a floating civil population from April to October and for the rest of the year the bazaar remains practically closed. Government do not consider that in these circumstances the Cantonment would be suitably administered by a Board.

(*f*) The answer is in the negative.

TOWN INSPECTORS OF POST OFFICES.

387. **Kumar Ganganand Sinha** : (*a*) Has the attention of the Government been drawn to the issues of :

(*i*) the *Bengal*, dated the 29th May, 1928, under the heading " Postal Town Inspectors " ;

(*ii*) the *Englishman*, dated the 30th May, 1928, under the heading " Postal Town Inspectors in Calcutta "; and

(*iii*) the *Forward*, dated the 10th June 1928, under the heading "Vagaries of the Postal Department" ?

(*b*) If so, what steps have been taken ?

NUMBER OF TOWN INSPECTORS OF POST OFFICES IN THE PUNJAB AND NORTH WEST FRONTIER CIRCLE, ETC.

†388. **Kumar Ganganand Sinha** : (*a*) Will Government be pleased to state the total number of postal Town Inspectors attached to the First Class Head Post Offices in the Punjab and North West Frontier Circle and how many of them have been removed from their substantive appointments of Town Inspectors, after 1st September, 1927 ?

(*b*) What is the total number of the postal Town Inspectors in the Bengal and Assam Circle First Class Head Post Offices and how many of them have been removed from their substantive appointments of Town Inspectors after the 1st September 1927 ?

The Honourable Mr. A. C. McWatters : I propose to answer questions Nos. 387 and 388 together. Government have seen some but not all of the papers mentioned by the Honourable Member. Representations from Town Inspectors, Service Associations and others regarding the operation of the orders relating to the appointments of Town Inspectors have been received and are at present under my consideration.

PROMOTIONS TO SELECTION GRADE APPOINTMENTS IN THE POST OFFICE AND THE RAILWAY MAIL SERVICE.

389. **Kumar Ganganand Sinha** : (*a*) Is it a fact that promotion, in future, to a post in the lowest selection grade in the Post Office and R. M. S. will not be allowed unless the candidate exhibits the requisite qualification necessary for the post by passing the departmental test ?

(*b*) If so, have the equal number of text books been prescribed for all the candidates who will have to get promotion after passing the departmental test ?

Mr. P. G. Rogers : (*a*) Yes.

(*b*) The text books are the same, except as regards the Post Office Manual of which parts of two volumes have been prescribed for postal candidates and part of one for Railway Mail Service candidates—these covering the duties of the two branches.

ADOPTION OF A UNIFORM SYSTEM OF EXAMINATION FOR CANDIDATES FOR THE EXAMINATION FOR PROMOTION TO THE LOWEST SELECTION GRADE POSTS IN THE POST OFFICE AND RAILWAY MAIL SERVICE.

390. **Kumar Ganganand Sinha** : (*a*) Is it a fact that—

(*i*) the text books prescribed for the examination for the posts of postal Superintendents are the same for all candidates for such posts ;

(*ii*) the text books prescribed for the examination for promotion to the post of an Inspector in the Muffasil or Superintendents' head clerks in the Post Offices were also the same for all candidates who were allowed to sit for the examination ?

†For answer to this question, *see* answer to question No. 387.

(*b*) If so, what steps have been taken to adopt a uniform system of examination for all candidates who will be allowed to sit for the examination for promotion to the lowest selection grade posts in the Post Offices and the R. M. S. ?

Mr. P. G. Rogers : (*a*) (*i*). Yes.

(*ii*) The examination was conducted by Heads of Postal Circles, each of whom prescribed his own syllabus, and it is probable that the text books were not exactly the same in each Circle.

(*b*) The Honourable Member's attention is invited to Director-General's Circular No. 10, dated the 24th May 1928, which contains the conditions and syllabus of the examination. A copy will be supplied to the Honourable Member.

GRANT OF PASSAGE CONCESSIONS TO MEMBERS OF THE NON-SUPERIOR SERVICES WHO ARE OF NON-ASIATIC DOMICILE.

391. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the Government of India have had under consideration for the past few years the question of granting passage concessions to members of the non-superior services who are of non-Asiatic domicile ?

(*b*) If so, when do the Government propose to issue orders ?

(*c*) Is it a fact that similar concessions have been granted to members of the non-superior services in Army Headquarters ?

(*d*) If the answer to (*c*) is in the affirmative, will Government be pleased to state the reasons for the delay in the extension of the same concessions to members of the civil departments ?

The Honourable Mr. J. Crerar : (*a*) Yes, in the case of officers serving under the Central Government.

(*b*) Orders will issue as soon as possible.

(*c*) Yes, in the case of one class, *viz.*, ex-military clerks.

(*d*) The delay is due to the larger number of persons involved and to the great variety in the nature and terms of their employment.

PROMOTION OF A SECOND DIVISION CLERK OF THE WIRELESS BRANCH TO THE FIRST DIVISION.

392. **Mr. Satyendra Chandra Mitra** : Will the Honourable Member in charge of the Industries and Labour Department be pleased to state :

(*i*) whether a second division clerk of the Wireless Branch has been promoted to the first division from 1st January, 1928 ;

(*ii*) whether the clerk was promoted on the distinct understanding that he will be transferred from the Wireless Branch, Simla, to the D. G. P. and T.'s Office, Delhi, and will take up purely first division work ;

(*iii*) whether the clerk is still retained in the Wireless Branch and is given facilities for doing purely routine work in the branch ;

(*iv*) why he has not yet been transferred to Delhi in accordance with the orders passed by the Establishment Officer of the Department ?

The Honourable Mr. A. C. McWatters : (*i*) Yes.

(*ii*) Yes.

(*iii*) He is retained in the Wireless Branch, but is employed as a 1st Division reserve clerk.

(*iv*) The matter is still under consideration pending final orders on the report of the Special Officer on the Director-General's office.

SUPERSESSION OF CERTAIN CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

393. **Mr. Satyendra Chandra Mitra** : Is it a fact that on the occasion of a sectional arrangement, a junior *non-matric* clerk in one of the branches of D. G. P. & T.'s Office, Simla, was allowed, under D. G.'s Memo. No. Staff-A.-0228|28, dated 3rd July 1928, to supersede his senior clerks (including one *graduate* and passed P. O. Superintendentship). If the reply to the above is in the affirmative, will Government be pleased to state :

(*i*) whether the superseded senior clerks have ever officiated in the grade of Branch Superintendent (previously Head Assistant), if so why they have now been refused for the post ;

(*ii*) whether any representation or appeal from the affected clerks has since been received. If so, what action have Government taken or propose to take in the matter ?

Mr. P. G. Rogers : (*i*) Yes ; the vacancy was however a temporary one of short duration and the arrangement made to fill it was that which would least upset the work of the Branch as a whole, without reference to seniority or other qualifications.

(*ii*) Yes, one of the clerks appealed to the Director-General and to Government. His appeals were rejected.

REDUCTION OF RENTS OF GOVERNMENT OFFICIAL RESIDENCES IN SIMLA.

394. **Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to explain the circumstances under which all the rents of Government official residences in Simla have been reduced ? Will Government be pleased to state whether it is true that refunds have been given to tenants for excess rents paid in Simla and state the full amount of refunds so paid as well as the largest sum paid to an individual ?

(*b*) Will Government be pleased to state how many houses of A, B and C Class exist and how their rents and allotment are decided ?

(*c*) Will Government be pleased to state the actual cost to Government of the houses now occupied by the Members of the Executive Council, the rents paid for them, the cost of annual repairs for the last three years, and the returns to Government on the capital outlay ?

The Honourable Mr. A. C. McWatters : (*a*) The Secretary of State for India sanctioned in August 1927 certain new rules (45, 45A and 45B) to take the place of the old Fundamental Rule 45, in order to give effect to the recommendations of the Royal Commission on the Superior Services in regard to house rent. Of these new rules, Fundamental Rule 45-A applies, *inter alia*, to all officers serving directly under the Government of India in Simla. The rents of Government residences in Simla have been re-assessed according to that rule with effect from the 1st April, 1924, and refunds have been given to the tenants accordingly. The total amount of refunds of rent up to date in respect of officers' houses is Rs. 1,65,461 and the largest amount refunded to an individual was Rs. 3,964.

(*b*) There are 7 " A " class houses,
8 " B " class houses,
and 8 " C " class houses.

Their rents are assessed in accordance with the rule referred to in first portion of this question ; the allotments are made according to the rules prescribed for the purpose.

	Rs.
(*c*) (*i*) The book value of the houses (excluding the value of the sites) occupied by the ordinary Members of the Executive Council is	6,62,834
(*ii*) The rents paid for them per year amount to	33,000
(*iii*) The cost of annual repairs for the past three years is	47,178 or 15,726 on an average per year.
(*iv*) The return to Government was therefore on the average	17,274

RENTS OF GOVERNMENT OFFICIAL RESIDENCES IN SIMLA.

395. **Mr. Gaya Prasad Singh** : (*i*) Will Government be pleased to state if it is true that officials drawing Rs. 4,000 to Rs. 5,000 are residing in furnished houses possessing tennis courts, kept in order at Government expense, and free of house and ground taxes for which they pay rents ranging from Rs. 1,150 to Rs. 1,430 per season of seven months ?

(*ii*) Is it a fact that an official drawing over Rs. 4,000 per mensem is living in a Government house at a rent of under Rs. 770 for the Simla season ?

(*iii*) Is it a fact that a number of well paid officers are residing in furnished houses at rates considerably below those which some of their subordinates have to pay for inferior unfurnished houses ?

(*iv*) Do Government intend to review the position which has been created by their recent action and to institute a more equitable state of affairs ?

The Honourable Mr. A. C. McWatters : (*i*) In Class A houses which are intended for officers drawing Rs. 4,000 a month or over, the inclusive rents for furnished accommodation lie between Rs. 1,152 and Rs. 1,395 with the exception of one house which is rented at Rs. 1,429 without furniture.

(*ii*) Yes ; the house is unfurnished.

(*iii*) The operation of the rules governing house rent has resulted in the rents for certain houses in lower classes being higher than the rents for certain houses of a superior class.

(*iv*) Government will examine the question.

DEPUTATION OF THE CHIEF CONTROLLER OF STORES, INDIAN STORES DEPARTMENT, TO CEYLON.

396. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the permanent Chief Controller of Stores, Indian Stores Department, has gone on deputation to Ceylon for nine months only ?

(*b*) Is it a fact that the acting Chief Controller of Stores, Indian Stores Department, has ordered that no members of the ministerial establishment should be allowed to go on deputation for any period less than eighteen months ?

(*c*) What are the reasons for the differential treatment ?

(*d*) Is it that officers can be more easily replaced than members of the ministerial establishment ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) No such orders have been issued by the Chief Controller of Stores.

(*c*) and (*d*). Do not therefore arise.

DISCONTENT AMONG THE MEMBERS OF THE STAFF OF THE INDIAN STORES DEPARTMENT.

397. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that many members of the staff of the Indian Stores Department apply for posts elsewhere ?

(*b*) Is it a fact too that many of the men to whom offers are made by the Indian Stores Department decline to take them up ?

(*c*) Is there not a general discontent in the Indian Stores Department in this matter ?

The Honourable Mr. A. C. McWatters : (*a*) There has been a number of instances in which the staff of the Indian Stores Department have applied for posts elsewhere to better their prospects.

(*b*) There have been a few such cases.

(*c*) I am not aware of any general discontent among the staff of the Indian Stores Department.

RECRUITMENT OF STENOGRAPHERS TO THE GOVERNMENT OF INDIA SECRETARIAT AND ATTACHED OFFICES.

398. **Mr. Gaya Prasad Singh** : Is it a fact that--

(*i*) the old Staff Selection Board and the present Public Service Commission hold different speed tests for recruitment of stenographers to the Government of India offices, but do not base their nominations to the Secretariat and to the attached offices on the result of such tests ?

(*ii*) there are as a result of this (*a*) men who have been exempted and (*b*) men who have passed only the 80 words speed test in the Secretariat, while there are men with higher speed test qualifications in attached offices ?

(*iii*) the results of a speed test or tests are not alone sufficient for the selection of stenographers, but that tests of ability to draft and summarise are also required ?

(*iv*) men who were already in the employ of the Government of India at the time of the appointment of the late Staff Selection Board were not required to pass any test even as permanent men in attached offices were not required to do so ?

(*v*) that the qualifications required by the Government of India of stenographers of their Secretariat and attached offices are one and the same ?

The Honourable Mr. J. Crerar : (*i*) At the last examination for stenographers, held by the late Staff Selection Board in 1924, candidates were required to qualify in stenography at speeds of 100 and 140 words per minute. No examination for stenographers has so far been held by the Public Service Commission. The names of candidates who qualify as stenographers in open competition are placed on a waiting list according to the marks obtained by them in the written test and they are nominated for vacancies in the Secretariat and in the attached offices as they occur, in the order in which their names appear on the list.

(*ii*) Yes.

(*iii*) In addition to the technical test, candidates for the post of stenographer are required to qualify in a written examination consisting of papers in English, precis writing and drafting.

(*iv*) Yes.

(*v*) The initial qualifications are the same.

PROPORTION OF STENOGRAPHERS TO OFFICERS IN ATTACHED OFFICES OF THE GOVERNMENT OF INDIA.

399. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the number of stenographers to officers is less in attached offices than in the Secretariats ?

(*b*) Is it also a fact that officers in attached offices have to do a lot of touring which most of the officers in the Secretariat have not to do ?

The Honourable Mr. J. Crerar : (*a*) The number of stenographers is fixed with reference to the particular requirements of each office. There is no general principle such as the Honourable Member's question would suggest.

(*b*) No general statement is possible, as the position varies from post to post. Some officers holding posts in attached offices are required to make frequent tours ; others do less touring, and others again do none. Similarly in the Secretariat the position is different in different Departments ; but generally speaking the amount of touring that officers in the Secretariat are required to do is small.

INCREMENT OF A STENOGRAPHER IN THE FOREIGN AND POLITICAL DEPARTMENT.

400. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that in the Foreign and Political Department a Deputy Secretary noted on his stenographer's case for increment that he had not seen him for more than three months, and so could not make a recommendation ?

(*b*) Is it a fact that the recommendation for that stenographer was made by the Assistant Secretary of that Department, and that on such recommendation the increment was sanctioned ?

Sir Denys Bray : (*a*) and (*b*). The answer is in the negative.

MESSAGE FROM THE COUNCIL OF STATE.

Secretary of the Assembly : The following Message has been received from the Secretary of the Council of State :

" I am directed to inform you that the Council have at their meeting held on the 17th September, 1928, agreed without any amendment to the Bill to amend the Hindu law relating to exclusion from inheritance of certain classes of heirs and to remove certain doubts, which was passed by the Legislative Assembly on the 22nd March, 1928."

RESOLUTION *RE* EDUCATION OF GIRLS AND WOMEN IN THE TERRITORIES ADMINISTERED BY THE CENTRAL GOVERNMENT.

Mr. President: The House will now resume further discussion of the following Resolution moved by the Revd. J. C. Chatterjee on the 11th September, 1928 :

" This Assembly recommends to the Governor General in Council that he be pleased to sanction a substantial grant, capital as well as recurring, for the furtherance of girls' education in the centrally administered territories, and that as a first step towards this, a well-staffed and up-to-date college be established for the training of women teachers.

This Assembly further recommends that a competent Committee, including prominent women, be appointed to go into the subject and to make a report."

Maulvi Muhammad Yakub (Rohilkhund and Kumaon Divisions : Muhammadan Rural) : Sir, the subject matter of this Resolution is so self-evident that it does not require very ingenious arguments or long speeches to convince the Government of India of the necessity of spending more money on female education than they have been doing up to this time. On the first day when this Resolution was being discussed, it was shown to the satisfaction of the House that the Government of India is not spending as much money on the education of girls, in territories directly under their administration, as the Provincial Governments are doing in the provinces, and, although education is now a transferred subject, in the territories centrally administered, the Government of India is as much responsible for the efficiency of education as it is responsible for the efficiency of the Army in India. It has been shown the other day that the number of female scholars and the number of girls' schools in these territories is hopelessly small and stands in need of an impetus as soon as possible.

Sir, this Resolution makes very moderate and sensible demands. The first demand or recommendation contained in it is for the establishment of a first-class training college for female teachers at Delhi. We know very well, Sir, that the chief difficulty in the way of female education in India is the want of trained female teachers. The number of girls' schools cannot be increased because we do not get trained female teachers. Also many of the existing girls' institutions are suffering for want of a sufficient number of teachers. The want of trained teachers is not felt for girls' schools only ; such lady teachers are especially needed by a large section of Mussulmans who still hesitate in sending their girls even to girls' schools. Therefore, we hope that the Government of India will take early steps to provide the money for training female teachers as soon as possible.

The other recommendation made in the Resolution is that a Committee of eminent men and women be appointed to go into the whole subject and make a report. Sir, the Government of India has recently been appointing a large number of Committees and Commissions, and it is indeed a pity that the attention of the Government of India has not yet been directed towards female education and that no committee has yet been appointed to go thoroughly into this very difficult and intricate subject. We have not yet got a suitable curriculum and course of studies for female education, and there are so many other subjects which greatly stand in need of being investigated. We therefore hope that no further delay will be made in meeting the request made in this Resolution, and that a Committee, as suggested by the Resolution, will soon be appointed by Government. I am afraid my Honourable friend, the holder of the portfolio of Education in this House, will say that the whole question of education in Delhi is under discussion and that the Government of India cannot give any undertaking until the report of the Delhi University Inquiry Committee is out. But, Sir, I hope that this very important question of female education will not be delayed until the report of that Committee is out. I do not know if the question of female education in the centrally administered territories has been referred to that Committee, but if it has not been, there is no reason why Government should not at once give us an undertaking that they will appoint a Committee to go into this question. Also the question of the establishment of a first-rate college for training female teachers should not be delayed any more. I think that this question also is not within the purview of the inquiry of the University Committee. The question of finance also, I think, ought not to come in the way of taking steps about this matter, because, as has already been shown, the Government of India is spending a very small sum of money on the education of girls. Therefore the question of finance should not come in the way of early steps being taken.

With these words, Sir, I lend my whole-hearted support to the Resolution.

Sardar Gulab Singh (West Punjab : Sikh) : Sir, I rise to support the Resolution of my Honourable friend Sardar Bahadur Jowahir Singh which has been so ably moved by my Honourable friend the Reverend Chatterjee, and to move the following amendments :

" That after the words ' up-to-date college ' the words ' and normal Schools ' be inserted ; and before the word ' women ' in the last line of the first paragraph the word ' Indian ' be inserted."

The Resolution as it stands does not in my opinion express our full demand ; for normal schools to train teachers for primary education are as essential as colleges to train teachers for secondary schools. I make these amendments, Sir, to this Resolution. Besides, Sir, I support the Resolution as

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it stands. The subject of female education, Sir, is an extremely important one.

Mr. President : No one has questioned that.

Sardar Gulab Singh : It has been fully discussed, Sir, by the Honourable Mover. When I first moved this Resolution on the first non-official day in the first Assembly in 1921, Sir Henry Sharp, then in charge of the Education portfolio, admitted it to be an important Resolution and called it pious and engaging and also expressed full sympathy, hearty sympathy, on behalf of the Government with the Resolution ; but so far no action has been taken in this matter. I say, Sir, it is a subject that is not receiving the attention which it deserves and necessary steps are not being taken to improve the deplorable state of female education, especially in the centrally administered territories under the direct charge of an Executive Councillor of the Government of India, who should make the minor administration a model for other provinces. The literacy of females, Sir, in India is of course about 1 per cent., but in the centrally administered territory it is far far lower. The expenditure, Sir, even in the advanced administrations, say, Delhi and Ajmer-Merwara, on female education, is about one-fifth of the expenditure on male education in these provinces. I am of opinion that the expenditure on female education should be greater at present ; in case the Government do not agree to give a special grant, of course we can then increase the grant already given for education of females. The experience, Sir, in other provinces shows that numbers of girl scholars are freely forthcoming when the number of schools is increased. Even strict *purdah* girls attend schools when the schools are near and can be approached. It is the lack of schools that has hindered the daughters of India to adorn themselves with the invaluable jewel ; therefore it is desirable that education should be free and a number of scholarships should be provided and liberal grants-in-aid given to private schools to stimulate female education. If we compare, Sir, even the literacy of females in two important cities, Lahore and Delhi, we find that the former is double that of the latter. To improve the state of female education, Sir, in the said territories funds are badly needed, and Government should make liberal grants, capital as well as recurring. It only needs more financial help than it gets now. Separate minor administrations cannot afford to have training schools of their own. So it is incumbent upon the Government to make special grants for such institutions. Of course, Sir, the right step to take up first is that a well-staffed and up-to-date college and normal schools should be established for the training of Indian women as efficient teachers. The need of trained teachers, Sir, is keenly felt all round, and the dearth of such teachers stands in the way of enlarging the number of schools. There are only a few training schools, Sir, with a small number of scholars in the said territories which cannot possibly supply trained teachers to all territories directly under the Central Government, having a female population of 18 lakhs. With the establishment of such institutions alone we can have cheap and competent Indian women teachers who will be able to work in rural areas and will be popular with Indian children. Sir Henry Sharp, during the debate on my Resolution referred to, remarked that :

"there is no branch of education of girls which is so important as the training of Indian women as efficient teachers in the girls' schools and colleges."

To solve this difficult problem, Sir, properly, the authorities should appoint a competent Committee including prominent women to make a report on the subject. Sometime back, Sir, we read in the papers that certain measures were being proposed to found a University for women ; but it all remained a mere talk. If the Government are really anxious to uplift India materially, the best and the fastest way to do so is by female education. By educating a girl, Sir, we educate the whole family, and it has been truly said, Sir, that "the hand that rocks the cradle rules the world". (Applause.) So, I move my amendments, Sir, as already stated.

Rai Sahib Harbilas Sarda (Ajmer-Merwara : General) : Sir, I rise to support the Resolution moved by my Honourable friend Revd. Chatterjee. The education of girls is no less important than the education of boys, but in certain areas, considering the condition of things there, I think it is comparatively more important. A college for the education of girls with a suitable curriculum is a very desirable one and one such college should be established in a central place. But what is of far greater importance is that schools for training women teachers should be established in each of the areas under the direct administration of the Government of India.

My province of Ajmer-Merwara is under the direct administration of the Government of India, and we have therefore to look to this Government for the necessary educational facilities.

We are a small province and, according to the last census report of 1921, though in point of literacy, we were in the forefront amongst the provinces of India, in the matter of girls' education we are very much backward ; and were it not for the interest taken by non-Government agencies, by private bodies and individuals in the matter of female education, we should have been nowhere. There is only one Government school for secondary education in the whole of the province against nine private ones ; only six Government primary schools against 15 non-Government ones ; and there is not one Government training school for women teachers, though there is one such private institution at Ajmer. Thus, there are altogether only seven Government schools for primary and secondary education in the whole of the province against 25 non-Government ones. As for the number of girl pupils, out of 56,935 girls of school-going age in my province, only 2,033 are at present receiving education ; that is to say, 3.5 per cent. And if we take the entire women population of the province, 2,25,705, only .9 per cent. receive education, that is to say, not even 1 per cent. This deplorably low percentage is due to the neglect of girls' education on the part of Government. If we exclude the girls receiving education in non-Government institutions, we find that only 228 girls in the whole of the province are receiving education in Government institutions, that is to say, only .4 per cent. of girls of school-going age of my province.

If we consider the Government expenditure on education, we find that on secondary and primary education for girls Government spends only Rs. 20,608 per annum, against Rs. 74,687 spent by private individuals and institutions. Compared with the expenditure on boys' education, which in itself is very small in my province, this comes to only 9 per cent. of that on boys' education. Taking the entire population of Ajmer-Merwara, we find that Government spends only 8 pies per head on girls' education.

I would therefore earnestly invite the attention of Government to this state of affairs and request that an earnest effort should be made to put a stop to this deplorable condition of things. Government should establish

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secondary schools in all the towns of Ajmer-Merwara, and there are only five towns in my province. The first necessity, however, in my province is an up-to-date suitable training school for women teachers. Sir, Ajmer-Merwara is cut off from the rest of British India. The nearest British province to Ajmer-Merwara is more than 200 miles away from it. Considering this and the difference in language, manners, customs and conditions of society generally, it is not very easy to send young women far away from the province to receive education and be trained as women teachers. If a good suitable school for training women teachers is established in Ajmer-Merwara, the surrounding States of Rajputana will also be able to send women to be trained as teachers and will gladly contribute towards the maintenance of such an institution. This would be a great financial support to Government.

I would therefore urge and hope and trust that the present Chief Commissioner of Ajmer-Merwara, who is greatly interested in girls' education, will lose no time in establishing a good up-to-date training school at Ajmer and secondary schools in all the towns of Ajmer-Merwara, and good primary schools in the more important of the villages, and we trust Government will find funds for this purpose.

† **Lala Lajpat Rai** (Jullundur Division : Non-Muhammadan) : I rise to propose the amendment that stands in my name, and which runs as follows :

"That for the words 'be established for the training of women teachers' the words 'with departments for Arts, Science and training of teachers be established' be substituted."

The object of this amendment is to draw the attention of the Government of India to the importance of providing facilities for the higher education of girls in the centrally-administered areas.

Sir, the training of teachers cannot be carried on with much profit unless there is a sufficient number of highly educated girls who can be trained as teachers for high schools, middle schools and primary schools. If it were only intended to provide teachers for primary schools, perhaps the Resolution as originally moved might be good, but it is not intended to confine the activities of education only to primary schools. It is absolutely necessary that adequate provision should be made for the higher education of girls by means of high schools and colleges, and therefore the Resolution is not complete without this amendment which I beg to move. The amendment is in no way inconsistent with the original Resolution. It only adds to it and provides that unless a first rate, up-to-date college for the teaching of Arts and Science is added, the motion would be incomplete.

I do not want to take the time of the House in dilating on the importance of female education. That is a matter which is generally accepted on all sides, but I wish to point out to the Government of India that they cannot shirk their responsibility in the matter of education by saying that education in the provinces is a transferred subject. However, that will not be strictly relevant to this debate, and I therefore refrain from enlarging on it. I do not admit that there is anything in the Devolution Rules which make it impossible for the Government of India to make grants for general education in the provinces too. It is a real matter of great disappointment that in a big city like Delhi, which is of historical importance and second to none in the world, except perhaps Rome, that there should not

be a single college for the education of girls which is properly fitted and equipped, and that provision for education in Delhi should be so inadequate and incomplete as it is at the present moment. Delhi is the capital of the British Indian Empire, and as such Delhi should give a moral lead to the other provinces in the matter of education of girls, and also in the matter of general education. In Delhi there is the only college for the medical training of women in Northern India, and that also makes it necessary that there should be a first grade college provided for the teaching of Arts and Science to which girls, not only from Delhi could attend, but also from other areas adjacent to Delhi. In Lahore, which is of less importance than Delhi, there are three colleges which cater for girls' education. One is a Government and the other two are missionary colleges. They have a very large number of girls on their rolls, and the girls who are being educated there pay very fair tuition fees. Therefore it cannot be said any longer that people do not care for the education of their girls, provided provision is made which is safe and adequate. Sectarian schools and colleges for the education of girls are not generally approved of by the public. They have some kind of suspicion of sectarian schools. Therefore, what is needed are up-to-date colleges, Government colleges, for the higher education of girls. I know that there is an intermediate college in Delhi called the Indraprastha College. I had a conversation very recently with the manager of that college, and he told me that a large number of applications are rejected every year for want of space. It is an aided institution. That also shows that there is real need for such a college in Delhi, but there is no provision for it and the existing arrangements are not adequate.

I therefore hope that the Government of India, both for the purpose of providing for the education of girls in centrally administered areas and also for giving a moral lead, will establish a well equipped and first rate college in Delhi for the education of girls. It is necessary that such colleges should be established, because teachers cannot be trained unless they have been properly educated. Therefore, first for the purpose of making adequate provision for teachers such colleges are necessary, and I hope Government will take the earliest opportunity of making provision for such a college in Delhi, both for the purpose of providing for the education of girls in centrally administered districts and for giving a moral lead to other provinces. I think it is the moral duty of Government to do so, if Government are serious in their profession of interest which they take in the matter of women's uplift in this country. It is absolutely necessary that this matter should not be neglected any more. In fact without making any reflection on the Delhi University, I should have thought that Government should have considered it more important and necessary to make adequate provision for the higher education of girls than establishing a University at Delhi for boys and men. Delhi, being the capital of the British Indian Empire, ought to have a first-class University providing for the education both of males and females in all the departments of human knowledge, and that should be the first charge upon the revenues of the Government of India. Considering the importance of education and the importance of the education of girls, I have reason to believe, Sir, that the Government is not unsympathetic towards this proposal, and therefore I do not want to take up the time of the House by dilating on this point at any length. I hope the Government will take early steps and will not do anything to postpone the consideration of this subject any longer. That is all I have to say, Sir, and I move my amendment and give my support to the Resolution.

Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I rise to support the Resolution, but in the first instance I wish to express my alarm at the remarks passed by my friend, Lala Lajpat Rai. My friend Lala Lajpat Rai says that the Central Government must give a lead to the Provincial Governments in matters like these. I have been glad that Provincial Governments have never looked to the Central Government for a lead in these matters. If they had taken this lead, educational advancement would have been in a worse condition than it is at present. Sir, I will be glad, therefore, if, until the Central Government begins to administer these departments thoroughly and satisfactorily, we do not call upon the Provincial Governments to take any kind of moral lead from the Central Government. It has also been said, Sir, that the area which the Central Government has to administer must present a model. My friend Sirdar Gulab Singh also expressed the same idea. I have often felt when the Budget came up for discussion on the floor of this House that the Central Government should be deprived altogether of the personal administration of even an inch of territory. The small portion of territory which has been entrusted for direct administration to the Central Government has involved that territory in a lot of difficulties and disadvantages. So far as the budget items are concerned, items proposing grants for the judicial administration or for education or for sanitation or for medical, public health, agriculture, industry, connected with the territory directly under the administration of the Government of India have all come under the guillotine and have never been discussed on the floor of this House. If they had a separate method of discussing these subjects, surely the meagreness of provision this House made year after year without the least discussion or without the least criticism on the part of this House or any other responsible body would have disappeared long ago from the Budget. Unfortunately, Sir, at the time of the Budget several important subjects are put first and even in these subjects certain rearrangement of order are made according to the political needs and desires of certain people, so much so all the allotted time is exhausted by the discussion of political subjects in some way or other, and we leave a large number of important subjects undiscussed on the floor of the House and *a fortiori* subjects which come at the tail end of the Budget are not included, not even attended to, and I would not have been surprised, if we had had less efficient President, if he had even forgotten to put some of these items under the guillotine. Therefore, Sir, I have often thought that these are items which must receive very careful discussion and very careful consideration at some time or other, and it is with that view of the matter that I have always considered that this territory directly under the administration of the Government of India has often been at a disadvantage.

Sir, I may be mistaken but I understand my Honourable friend Lala Lajpat Rai's amendment to mean that there will be no institution for the training of women teachers. As I understand the amendment, he wants the deletion of the words "be established for the training women teachers" and the substitution in their stead of the words "with departments for Arts, Science and training of teachers be established". If these words are inserted into the original Resolution in substitution, the Resolution will read :

"..... and that as a first step towards this, a well-staffed and up-todate college with departments for Arts, Science and training of teachers be established."

On the other hand, what has to be emphasised here is not the training in India of teachers but of women teachers. The training of women teachers is absolutely necessary in order that further advance in female education may be made even in places where there may be prejudices to sending girls for education beyond a particular age. I have always found, Sir, in my practical experience as a President of Local Boards and Chairman of a municipality, that there has been a considerable difficulty in getting female teachers to teach the girls in girls' schools ; so much so that I found several parents of these girls unwilling to send these girls to school for education after the 8th or 9th or at the most the 10th year. On the other hand, if a large supply of women teachers of advanced grade be supplied by colleges established in India for the training of women teachers, I have no doubt that the education of these girls would have gone on to a further age than that to which they have now taken their education. And in fact my friend Rai Sahib Harbilas Sarda would find no difficulty in reforming marriages if female education had advanced in the manner in which it should have advanced if only the Government had been very particular about these matters.

Sir, in provincial administrations it cannot be denied that at present the attention that is paid to girls' education is much more than that which is paid in the Central Government and I have explained the reasons for which the Central Government's action in these matters has always gone unnoticed. I would even recommend by way of an amendment that the Central Government should not only attend to education in territories directly under their administration, but they should also contribute a large amount to Provincial Governments in order to have female education in a further advanced condition than it is at present in the provinces. Even there we find generally the provincial Budgets are for deficits even when they spend very little on the head of Education as they have to meet other expenses, and if such be the condition in respect of the Local Governments, it is but right that the Central Government should consider education as a most important subject and in that view of the matter, Sir, I would even put it before the Treasury Benches that they may see their way to improve education not only in the territories directly under them but also make contributions to the provinces in order to ensure that female education is considerably advanced. We cannot at present count lady graduates even on one's fingers' ends in some of the provinces, and I do not see, Sir, how it will be possible for us to maintain institutions to advance education for girls with the present number of female teachers. And I do consider that it is as essential to attend to girls' education as it is to the increasing number of women teachers well trained in colleges, well equipped in the manner in which my friend Lala Lajpat Rai suggests. In fact the production of a larger number of women teachers ought to be considered to be the highest duty of the State both in the Central as well as the Provincial Governments.

Sir, in this view of the matter, I would strongly urge that the Government should take prompt steps to see that education receives a larger grant. In the current Budget they have allowed only Rs. 3,24,000 under the head of education, under medical 8 lakhs, public health still less, agriculture still less. If that is the way in which they are administering the territory directly under their management, I certainly do not think they will ever become a model to the provinces. On the other hand, it is the absolute

[Mr. C. Duraiswamy Aiyangar.]

and primary duty of the Central Government to see, as my friend observed, that they are taken as the model and in order to entitle them to that position I dare say the Government will pay more attention to education as well as to sanitation and industries under the Central Government.

Nawab Sir Sahibzada Abdul Qaiyum (North-West Frontier Province : Nominated Non-Official) : Sir, I should like to add just a few words in support of the Resolution. I come from a province, which is under the direct management of the Government of India, and we look to the Government of India for advancement in all matters, which are called transferred subjects in the major provinces. Education is one of those transferred subjects, and I think it is for the Government of India to set up a model of education for the guidance of the Provincial Governments. It is not only in education, Sir, but in all the other transferred subjects that we see the backwardness of these minor administrations under the Government of India, as compared with the Provincial Governments. If, as is every now and then said, these small provinces cannot bear the expenses of education, and other improvements all that I can say is that these administrations are not the creation of their own will. They have been created for some Imperial purpose and as long as they serve that Imperial purpose, I think they should not suffer on account of their isolation or smallness in matters which directly concern the comforts and happiness of the people of those provinces. The transferred subjects directly concern the comforts of the population, and education is the foremost of all. I do not know whether the education of the female is more essential or the education of the male ! It is for the public to decide. Personally I should think that both are equally important and essential. I cannot make out whether it is the husband who ought to educate his wife and children, or whether it is the mother who should take charge of the education of the children. Whether the one or the other there is no doubt that the education of the female and of the male should go hand in hand and on parallel lines. If we go on with the education of the male, without paying much attention to the education of the female, we will be making the males uncomfortable in their subsequent life by not being able to find proper appointments for themselves, but we will be also making them uncomfortable in their home life, because they will not be able to find educated wives for themselves. That certainly is one consideration which we should bear in mind. If we go on with the education of the male, we should not lag behind in the education of the female, so that the home of the educated people may be happier. As regards the Government of India's attention to education, I do not see any extraordinary activity on their part in that direction. We have been asking for grants for higher education for the male, and if my Honourable friend Lala Lajpat Rai will only see the difficulties that lie in our way in getting help for the higher education of our males, I do not think he will be very much encouraged to ask for a full-fledged college for the higher education of the female.....

Lala Lajpat Rai : Not in Peshawar. I am asking for it in Delhi.

Nawab Sir Sahibzada Abdul Qaiyum : Let there be one central college for higher education for the female at the capital of the Government of India. I have no objection to that ! !

Lala Lajpat Rai : That is what I want.

Nawab Sir Sahibzada Abdul Qaiyum : Because, if we do not really need, under the present circumstances, any very high education for the female in their ordinary private life, we at least badly want female doctors for our society, and the higher medical education cannot be acquired without first giving higher education in sciences to the female. If not for anything else, at least for that purpose we want a well-equipped college in sciences at the seat of the Government of India !

With these words, Sir, I support the Resolution of my friend, the Revd. J. C. Chatterjee.

Mr. H. G. Cocke (Bombay : European) : Sir, lest by silence it should be thought that we, on these Benches, are not sympathetic to the cause of education in India, I desire to say that we are. Statistics show that considerably increasing sums have been spent on education in the last 20 years. But during that time we have had a war, and we have had the reaction following the war, and it has not always been possible to find as much money for education as we should all have liked. I believe that in the next 20 years, if there is no war, we shall find this country very greatly advancing in education. It is very much wanted, and particularly, in the direction of women's uplift, as my Honourable friend Lala Lajpat Rai has just described it ; it is most essential that this country should go forward. I think it is one of the good points about the transfer of the Central Government from Calcutta to Delhi that we have now, at the seat of the Government of India, a fine city with ample space to establish colleges for the training of men and women, doctors and so on. Therefore I hope that this Resolution will be acceptable to Government and that far greater sums in future will be available for all sorts of education than it has been possible to grant in the past.

Mr. M. S. Aney (Berar Representative) : Sir, the Resolution and also some of the amendments that have been moved will no doubt find general acceptance with the whole House. The question of girls' education in centrally administered areas is surely a matter which ought to be one of serious consideration for this House. The Central Legislature is generally occupied in considering important questions of policy affecting the whole of British India. But, at the same time, there is a special responsibility on the Central Legislature to look after those areas which are known as centrally administered areas, as these provinces have got no other representative institutions in which their provincial grievances and difficulties can be properly ventilated and considered. It is a special responsibility which is peculiar to the Central Legislature, but unfortunately, it is not sufficiently attended to and realised. Although it is a matter of some reflection on this House, the fact is there. Therefore, whenever a question like the present one is raised by any person coming from these centrally administered areas, it generally evokes the sympathy of the whole House.

This House is certainly glad that the question has been raised and an opportunity given to this House to express its active sympathy for the educational advance which the centrally governed areas want to make. In connection with this certain facts which have been brought to our notice in that small but interesting speech which my Honourable friend, Mr. Sarda, has delivered, also deserve to be considered. I find from his

[Mr. M. S. Aney.]

speech that whatever progress girls' education has really made in that little province of his which he represents here with so much credit to himself and to this House also—whatever progress has been made in the matter of girls' education—was mainly due to private enterprise and not to Government effort. It is a matter of peculiar importance that since the advent of the reforms, in the provinces where reformed Governments have come into existence, considerable progress in the matter of girls' education has been made. The provinces where the subject of education is a transferred subject have made serious efforts to give an impetus to the cause of girls' education. I wish to know from the Secretary to the Education Department, when he makes his speech, what efforts the Government of India have made since the beginning of the reforms to keep pace with the provinces in the matter of the progress of girls' education in centrally administered areas. If they are lagging behind, the centrally administered areas may legitimately say that they are being considered only as a charge for Imperial purposes and not for developing them, particularly in those subjects or departments which are known as transferred subjects, and the grievances of my Honourable friend, Nawab Sir Abdul Qaiyum, will have ample justification. So, that is a point on which the House would like to have some information from the Education Secretary.

Out of the 2,000 girls of school-going age who are at present having education in the schools in Ajmer-Merwara, only 200 are having their education in Government schools. If that is the position, there is undoubtedly great scope for the Central Government to develop girls' education in that province.

The second point which strikes me as being very peculiar is this. So far as the first part of the Resolution is concerned, I think there will be universal agreement in this House ; as regards the third part also there will be universal agreement here ; but as regards the second part of the Resolution in which the demand is being made for the establishment of a well-staffed and up-to-date college for the training of women teachers, there are some points which have to be considered. In the first place, what are the centrally administered areas ? Is it one contiguous area ? No. There is the North-West Frontier Province, there is Ajmer-Merwara, there is the Delhi Province, there is Coorg which is removed from these three provinces by thousands of miles. There are, besides, cantonment areas and also Residencies not to mention penal settlements like the Andamans and Nicobars. All these are centrally administered areas, and so far as the scope of the Resolution goes, it is intended to develop female education, primary and secondary, as far as possible. That appears to me to be the scope of the Resolution as it was originally moved by my Honourable friend, Mr. Chatterjee. If that be so, one well-staffed college for training women teachers will certainly not do to cater to the needs of these scattered areas, and that is a point which I wish the Education Secretary to take note of. Training colleges or training schools for women will have to be established in all these different areas. Otherwise you would not get women teachers who will be able to carry on the work of girls' education in all these different areas where probably different languages are being spoken and education will have to be given through the medium of different vernaculars. That particular point strikes me as of great importance and reference was made also to the same by my

Honourable friend, Mr. Sarda. From that point of view, I think the Resolution will have to be made a little more comprehensive.

As regards the amendment which my leader, Lala Lajpat Rai, has moved, of course, everybody will be in sympathy with that amendment. But the point is this. There should be separate training colleges for women in all these centrally administered areas as far as possible, and besides that, there should be a well-staffed college of Arts and Science for those girls who will be in a position to take advantage of the higher education. The amendment seeks to have one college with faculties of Arts and Science in addition to the training of women. I would like to modify it to this extent, that so far as the training for women-teachers is concerned, it is a matter which should be distinctly left alone for different areas, with a view to start schools, and separately considered ; the central college which he wishes to have established should concern itself with education in Arts and Science only. If that sort of arrangement is made, then this amendment as well as the original Resolution can be considered together, and I think there should be no difficulty for the Government of India to accept the Resolution in the modified form. They should not try to find fault with the amendment but consider the spirit of the amendment as well as of the Resolution that is moved, and in that spirit they should try to give effect to the Resolution as a whole. I hope that Government will accept the Resolution as well as the amendment in the spirit in which they have been moved, especially seeing that they have expressed their sympathy in the cause of women in this House so often. I hope that there will be no reason for us to complain of lack of enthusiasm on the part of Government on translating their sympathies into action.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, in the matter of education the Government of India have a special responsibility.

(At this stage Mr. President vacated the Chair which was taken by Mr. Deputy President, Maulvi Muhammad Yakub.)

We consider the Government of India as superior to the Provincial Governments. Not only that, but the very constitution of the Government of India shows that although the subject of education is a transferred subject, the Government of India have not yet divested themselves of their responsibility for education. They have a department called the Department of Education, Health and Lands, and in this phrase they have used the word " Education " at the very beginning. It shows that the Government of India have still got responsibility in the matter of education although that subject is a transferred subject. Not only that, but the Government of India have at their disposal a very highly paid officer for looking after education. Certainly that officer is not paid very highly in order that he should look after the small province of Delhi and other central territories ; that officer is appointed because the Government of India have got a certain responsibility for the education of the whole country. Sir, judging this matter from that point of view, I feel that the Government of India have not done their duty towards this subject. Compared with the Government of India, I feel that Local Governments have done something more, although I am not satisfied with what the Local Governments have done, and if the Local Governments are judged in this matter, I should pass a vote of censure against them. But as compared to the Government of India, the Provincial Governments

[Mr. N. M. Joshi.]

have done more. Take the question of primary education. At least there are some Governments which have passed legislation for compulsory primary education, namely, the Government of Bombay and some other Governments also. There are also some Indian States which have introduced compulsory primary education. But the Government of India have not yet done anything. They are still thinking of introducing it in the Delhi city. As regards the other administered territories, I do not think they have done anything. The same is the case as regards secondary education. In the territories directly administered by the Government of India there are only a few secondary schools, and, my Honourable friend, Mr. Sarda, has stated most of the effort is private effort. Again, as regards higher education, the same thing may be said, namely, that more facilities are necessary for higher education. I therefore think that the Government of India have not done their duty towards the subject of education, and when we consider the claims of the different classes of education, such as, the education of boys and girls, the education of girls belonging to the higher classes, of girls belonging to the middle classes, and of girls belonging to the poorer classes, I feel that there also the Government of India have failed in their duty. The Government of India call themselves the trustees of the people of this country, and especially of the masses, of the poor classes in this country. Sir, if we go into the figures of expenditure on primary education, secondary and higher education for boys and girls, we shall find that this Government of India is not a trustee.....

Mr. Deputy President : I would ask the Honourable Member to confine himself to the Resolution which relates to the centrally administered territories.

Mr. N. M. Joshi : That is exactly my point. I am now discussing the education of the girls of the different classes in the central territories, and my point is that the Government of India, while giving education to the people in the central territories, have not done justice to the poorer classes. The Government calls itself the trustees of the poorer classes and the masses, but if we consider its conduct as regards the giving of education to the boys and girls of the different classes, it has shown partially to the higher and the middle classes.

Mr. Deputy President : The Resolution does not make any difference between the education of the girls of the poorer classes and the higher classes.

Mr. N. M. Joshi : We are now discussing the education of girls and my point is that the Government have been spending large sums on the education of the higher and middle classes and they have not spent sufficient money on the education of the poorer classes. Some time ago I asked for figures as to how much the Government of India spend on primary education, secondary and higher education. I was told that the Government of India could not give figures because they could not separate primary schools and secondary schools. They could not give the figures because it is a fact that they are spending more money on higher and secondary education as compared with primary education. They spend large sums of money on different universities. They give money to the Benares, Delhi and Aligarh Universities. I am not sure how much they spend on these universities. If the resources of the Government are unlimited, I would not object to the Government of India spending money on these universities. I should even suggest that they should double the grants now given. But if the resources of the Government are limited, I claim that they must spend more money on primary education and the education of the masses. They give so many lakhs to these three universities, where no university was wanted.

Mr. Deputy President : I would ask the Honourable Member to confine himself to the Resolution.

Mr. N. M. Joshi : I want your indulgence to prove my case that the Government of India have neglected the education of the girls of the poorer classes.

Mr. Deputy President : Yes, please do.

Mr. N. M. Joshi : They have started a University in Delhi where there was no need for a university. That university was only intended to find a Vice-Chancellorship for my friend Sir Hari Singh Gour. At the first Convocation of the Delhi University, they gave degrees only to three persons. They were Sir Hari Singh Gour, Sir Muhammad Shafi and Lord Reading. I formed the impression at that time that the Delhi University was started not for the education of the students but for giving degrees to some of these people. The same may be said about secondary education. A complaint has been made by my friend Rai Sahib Harbilas Sarda that Government leave more to private effort. If Government do that in the matter of higher and secondary education, I do not certainly blame them, but when Government spend money out of public revenues, they ought to spend more on the masses and the poorer classes. That is my view.

Lala Lajpat Rai : Are they not all bound up to some extent ?

Mr. N. M. Joshi : I am anxious to separate the education of the three classes.

Mr. Deputy President : That is not the point at issue.

Mr. N. M. Joshi : I claim your indulgence in this matter, because the point of view I am placing before this House is somewhat new to this House, and I think that the Resolution of the Honourable Member is also faulty in that respect. I agree with him that the Government of India should spend adequate amounts for the education of the people in the central territories, but when they start a training college for women-teachers as the first step I certainly do not approve of the idea.

Mr. Deputy President : Do you oppose the Resolution ?

Mr. N. M. Joshi : My point is that the teachers must be trained later and the schools must be started first. According to the Resolution, teachers must be trained first. That is not my idea. Sir, there are people who believe in the quality of the education. I also care for quality but if I am given a choice, I would unhesitatingly go in for quantity and not for quality. I therefore feel that the starting of schools for girls is the first step to be taken and not the starting of a training college for women teachers. Certainly if you start a college for the training of women, there will be some provision for the women of the middle classes. That is perhaps the view which Members here take. I do not take that view. First start the schools and then improve the quality. I therefore do not agree with the Resolution as it is framed.

[Mr. N. M. Joshi.]

Then, Sir, the Resolution also asks for a Committee ; but before I go to that point I want to say a word or two about the education of the girls of the depressed classes and of Muhammadans. In this respect I want to give a warning to my Mussalman friends. Our Muhammadan friends always complain that Muhammadans do not get jobs in the public services in proportion to their numbers. It is perhaps due to the fact that they are backward in education. Now, in all public service, girls are going to get jobs. If more Hindu girls learn first and if Muhammadan girls do not, let my Mussalman friends remember that Muhammadan girls also will lag behind in the public services. I am therefore anxious that the Muhammadans should insist that there should be sufficient schools for the primary education of the girls amongst their classes, and also for secondary and higher education. I want to say something about the depressed classes. I see that my friend Rao Bahadur Rajah is not here. He must insist that the Government of India must make provision for the education of the girls of the depressed classes. Once they lag behind, they will lag behind for ever.

Mr. B. Das (Orissa Division : Non-Muhammadan) : What will you do if you educate all the girls of the depressed class ? They will not find husbands. You must educate their boys first.

Mr. N. M. Joshi : Well, Sir, that is not really my point.

There is one more point. It is not enough that the Government of India should start schools and make provision for the facilities for girls attending schools. It is now the experience of the whole world that you cannot provide education to the poorer classes unless you help them in their maintenance. You must give scholarships to boys (Laughter), I mean girls who cannot come to schools for want of money. The poorer classes do not go to school not because they do not like education. Everyone whether he is rich or poor wants his children to be educated ; but the poorer people do not send their girls to school simply because these girls are useful in working at home and, economically, they cannot afford, to send their girls to school. I am therefore anxious that the Government of India should not only start schools but should institute a large number of scholarships so that there should be no poor man in the country who cannot afford to send his daughters to school for want of money. The institution of scholarships is absolutely necessary if you want the poorer people to learn. Schools are said to be open to all classes of people, but you are not keeping your schools open to the poorer classes of people unless you provide also for their maintenance.

One more point, Sir, about education being made compulsory. This also is the experience of the whole world that education, at least so far as primary education is concerned, must be made compulsory, but the Government of India have not done that. Some Provincial Governments have done that, but the Government of India have failed in this duty. Well, Sir, as regards the education of girls, I want to make one or two remarks.....

Mr. Deputy President : Only about girls, not boys.

Mr. N. M. Joshi : There is a custom of educating girls separately from boys, and I do not approve of that practice. I feel that if our boys and girls are to grow morally sound, they must be educated together ; I think there must be co-education. Boys and girls must be educated in the same schools. (Hear, hear.)

The Revd. J. C. Chatterjee (Nominated : Indian Christians) : What about the *purdah* ?

Mr. N. M. Joshi : I am coming to that. Experience throughout the world shows that it is by co-education that you raise the whole community morally, and by separating the boys and girls from their childhood up to the age when they grow old, you are really doing great harm to the moral condition of the community. Sir, we have got some experience in this matter in Bombay.....

Mr. Deputy President : We are not dealing with Bombay now.

Mr. N. M. Joshi : Sir, I am giving some experience for the benefit of the central territories (Laughter).

Mr. Deputy President : I hope the Honourable Member will confine himself to the Resolution, which he should please read once more.

Mr. N. M. Joshi : I am only suggesting that the present practice of starting separate schools for boys and girls is a bad one.

Mr. Deputy President : But that is not the Resolution.

Mr. N. M. Joshi : I want to tell you that our experience in Bombay is that it is better to have the same college for girls and boys than to have a separate college for girls.

An Honourable Member : Bombay is not Delhi.

Mr. M. S. Aney (Berar Representative) : Is it not that there is a university in Bombay Presidency solely for the education of girls ?

Mr. N. M. Joshi : Sir, the people in the Bombay Presidency hold sound views on education. I do not wish to speak on this subject very long because I am sure there are some Members who do not like my speaking on this subject. (*Honourable Members* : " No, no ".) My Honourable friend who moved this Resolution asked, " What about the *purdah* ? " Certainly, if you want to keep your *purdah* and all the evils that follow, you may have separate schools. That is certainly an evil, and if you want my advice, certainly I am going to tell you that you must remove the *purdah*. If Indians in Northern India want Swaraj and the proper use of that Swaraj, then certainly the *purdah* should be removed.....

Mr. Deputy President : I cannot allow the Honourable Member to ramble like that. He must confine himself to the Resolution and must not talk on anything else.

Mr. N. M. Joshi : I will say a word about the North West Frontier Province. The Government of India grant large amounts of money to people in the North West Frontier Province to keep them quiet,—I think fifty lakhs or more. I suggest, Sir, that if five lakhs out of those 50 lakhs are spent on the education of the girls in the North West Frontier Province, I am quite sure in ten years' time it will not be necessary for them to spend these 50 lakhs of rupees to keep the people quiet. They have so far neglected the education of these tribal territories and they go on spending money on giving them some work ; I believe they are giving some tribes some allowances which are sometimes called pensions. (Laughter.) Sir, if they spend that money on civilizing these people, giving them education, giving them not only ordinary education but industrial education and provide them with industries, it will not be necessary for the Government of India to go on spending these fifty lakhs of rupees for many years.

[Mr. N. M. Joshi.]

I hope the Government of India will pay proper attention to the education of girls in the North West Frontier Province.

One word more, Sir, the Resolution asks for the appointment of a Committee. Sir, I am not against the appointment of Committees. These Committees sometimes do some work and also provide opportunities for some of the Members of the House to serve on them. I feel, Sir, that the subject of education has been too long neglected. This is not the time now to appoint a Committee. Let the Government of India begin to give education to the people instead of appointing a Committee to consider the question of giving education. The appointment of a Committee is now too late in the day. Let them now begin to spend money, let the next Budget show that they have provided adequate amounts of money for the education of girls in the central territories : and then only I think, Sir, this House will be satisfied.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Sir, I am not quite certain if the Honourable Mr. Joshi's provocative reference to me were intended to draw me out because I did not intend to make a speech on this subject, but as he has referred to me, Sir, I feel constrained to tell him that while I am not sure that the University of Delhi has gained anything from me, I am certain that I have acquired an amount of knowledge which I would not have possessed had I not been associated with that institution.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : And also a Knighthood.

Sir Hari Singh Gour : Sir, the one great fact that has occurred to me is this. My Honourable friends on both sides of the House speak of the education of girls. But where are the girls ? I shall point out to you, Sir, what is the unfortunate position of girls so far as the Province of Delhi is concerned. I have been visiting all the girls' schools and the high schools and the intermediate colleges in Delhi which owe their inception to myself, Sir. And I found the headmistresses and principals of these colleges complaining that those little children of 5 and 6, intelligent, bright, with sparkling eyes and a great desire to absorb knowledge,—when they have been pupils for two, three or four years—a hoary-headed gentleman walks into the room and says, " I want to take away this girl." And when they ask, " Why do you want to take away this girl, she is getting on quite well ? " he says, " Oh, she is going to get married ". The result is that, half, if not three-fourths of the girls, just at the time when they are beginning to learn and imbibe knowledge, just at the time when education would be useful to them, are marched off from the class room and tied round the marriage post. That is the position of the girls.

An Honourable Member : Do they not come back ?

Sir Hari Singh Gour : I am asked whether they come back. Sir, they do come back ; they come back and they go to the Lady Hardinge Hospital for their confinement and early death.

Now, I wish to ask Honourable Members on the Opposition Benches, if they are really friends of women's education and if they really wish

that the girls in the centrally administered area should get on and receive education, are they prepared to provide the necessary girls ?

Lala Lajpat Rai : Yes.

Sir Hari Singh Gour : My friend Lala Lajpat Rai says, " yes ". Well I shall put him to the test when my friend Mr. Harbilas Sarda's Child Marriage Bill comes up before this House and my own Age of Consent Bill comes up here for passing. That will be the acid test of the real desire of this House to advance the cause of female education. Unless you are able to raise the marriageable age and provide the girls who will fill the class room, it is idle to ask the Government of India to train up teachers. The teachers may be trained but they cannot lecture to empty class rooms. Let me give you, Sir, the instance of two colleges which were proposed to be started in Delhi. As regards one college the scheme was ready but they said we have no girls at all, and the result was that the college never came into existence.

Mr. B. Das : How is it that private colleges in Delhi are flourishing ?

Sir Hari Singh Gour : They are men's colleges. I am giving you the history of women's college. The Indraprastha High School was raised to the status of an intermediate college, in the hope that it would develop soon into a first-rate college. I found on my visit two years ago that while there were, I think, 11 girls, three of them had got married and there remained 8. We started the Arts College and I acknowledge on behalf of this struggling institution the assistance which the Government of India have given by placing Alipore House at the disposal of the Indraprastha College. I do not know if the Honourable Member who is to reply on behalf of Government knows of the self-sacrificing services of the Principal, Miss Gmeiner (Gmnier), and her associates (one of whom also a European died at her post), who have been trying to bring up these girls so that they may be educated and may in course of time become good housewives and schoolmistresses and, if possible, contribute also to the public services of this country.

(At this stage Mr. Deputy President vacated the Chair which was resumed by Mr. President.)

The self-sacrificing labour of this lady and her associates requires public acknowledgment. I wish you could have seen the position of this Indraprastha High School at the back of the market, in most crowded and insanitary surroundings, the headmistress living in a small cubicle on next to nothing, and imparting education to 300 or 400 girls who are all cooped up in a pigeon warren. You will immediately say that the Government of India deserve a hearty vote of censure for allowing this deserving institution to struggle on for existence in such insanitary surroundings. Sir, for the last four years we have been asking the Government to place a more sanitary building at the disposal of this growing and deserving institution, and it was only in the last few months that the Government of India made up their minds not to make a gift but to sell Alipore House to the Indraprastha College. The result is that the managing committee are now going about collecting money from friends, benefactors and sympathisers of that institution. That is not the way in which the Government of India should act. They should have made a gift of Alipore House to this institution. They should have said to themselves, here is a struggling institution and a

[Sir Hari Singh Gour.]

selfless devoted woman trying to educate the people of this country, the girls of this country, and the least contribution that we can make is to make over to that institution this building, Alipore House, which belongs to Government and which will cost us nothing. If the Government would do that, the Indraprastha College could start science classes and arts classes and would draw from the four corners of India deserving girls and give them higher and better education. That is the way in which to help the centrally administered areas.

Sir, I am in perfect sympathy with my friend Mr. Chatterjee, but I say to him that in order to give education in the centrally administered territories you must begin at the beginning. You must see that the education of girls between the ages of 5 and 10 is subsidised by Government. You must give them free and liberal scholarships. And after the age of 10 it is for the public, of which the Members of this House are the accredited plenipotentiaries, to see that the marriageable age of girls is substantially raised, so that they may not be taken from the school classroom just at the time when they should begin to profit from the education they are receiving. If that is done I am sure the future of women's education in India will have been solved. We want that these girls should receive education up to the higher and collegiate standard, and then you will have bright young Indian girl graduates helping us in our public and private duties. That will, I submit, be the advent of new India, and the reconstruction of the future nation will be supported by the mothers of the nation, thirsting for more knowledge, better sanitation and better health. That will be achieved if she who rocks the cradle is educated, and the large problems of health, sanitation, infantile mortality and the early death of the mother and child will have been solved. Education of girls is not to be looked at with the microscopic vision of merely teaching them the A, B, C and to enable them to read elementary books. Education must be regarded as a national necessity and the cornerstone of the future of India. It is with that large heart and greater vision that you must look at the education of women in the centrally administered territories. That would be a model for the other provinces to follow. It is with that hope and with that desire that the struggling University of Delhi was started. It was not started for the purpose of finding gratuitous degrees for two or three persons, as my Honourable friend Mr. Joshi cynically remarked.

Mr. N. M. Joshi : May I ask the Honourable Member one question, whether the establishment of that University has added to the number of college students in Delhi even by one ?

Sir Hari Singh Gour : Sir, I can very easily answer that question. When that university was started, it was started with an alumni of 780, if I remember aright, and within two years the students in the Delhi University went up to 1,400. (Applause). That is the result of starting the Delhi University. But I am not here to advocate the cause of the Delhi University. I am speaking here on the question of female education in the centrally administered territory, and I shall focus my point by asking this House to remember that we are voting on this motion on the following understanding. We want first and foremost to tap the large source of supply for female education, namely, the lower middle

classes and the labouring classes, to which Mr. Joshi has so pathetically referred.

Mr. N. M. Joshi : May I correct one statement ? Sir Hari Singh Gour said that the number of students went up from about 700 to 1,400. Is it not due to the fact that some colleges that were affiliated to the Punjab and the United Provinces Universities were brought back to the Delhi University ?

Sir Hari Singh Gour : The existing colleges of Delhi formed themselves into a University, and when I speak of the number having gone up, I am speaking of the number that went up on the rolls of the Delhi University.

Now, Sir, I say that we must begin at the beginning. Give the infants of the Kindergarten classes stimulus to interest them in education. That you can do by small prizes and free distribution of scholarships, and for that purpose you must set apart a certain sum of money. After primary education you must give them a further incentive to go into the secondary classes, because that is a crucial time in the life of the girl. With sufficient incentive she might be able to prosecute her studies in the secondary classes. A large number of parents have told me. "We cannot afford to keep these girls in secondary schools ; we have not got the money ; if they get married their husbands will keep them. Amongst the labouring classes a girl will begin to work whereas if she learns she earns nothing. She is trying to become a Babu and we do not want our girls to become Babus." That is the prevailing cry amongst the lower classes, and the labouring classes. Therefore you have now to make the class room attractive by suitable incentives given to the girls to stay on and postpone their marriage to which they are prematurely driven by their uneducated and old-fashioned parents. Having done that, you must have a well-equipped college with all the amenities of a modern college and try to give these girls education as cheaply as possible. It is a national insurance, Sir. The money that we spend upon women's education is money which is spent for the betterment of the whole nation, and I therefore think that you must try to make education as cheap as possible. Having done that, your duty ends ; and for the purpose of helping us on, we on this side of the House say—and I am certain that my orthodox friends in this House will concur with me—that the marriageable age of girls should be raised, substantially raised, so that they might receive education and profit much by that education before they are carried off by their husbands.

Sir, one more point and I have done. It has been said and said with a great deal of truth that if you are merely to start a training college for women teachers, that is not promoting women's education. Suppose you have a training college and you have got it—I do not know whether Mr. Chatterjee knows that teachers' training classes are attached to every university, there is what you call, the L. T. and B. T. classes, Licentiate of Teaching and Bachelor of Teaching. Those who do not pass the B. A. are given the L. T. just as they have a Diploma in Pedagogy in the English Universities. In all these universities you have got classes for training teachers. The University of Lucknow, especially the Isabella Thoburn College, turn out women teachers by dozens ; and it is the same case in all the other colleges. When I visited the four Colleges in Lahore I found that they have also got classes for training of teachers and they turn out teachers. Consequently, if you are to concentrate upon the

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provision of teachers, you will be multiplying a commodity for which there may not be a ready market. I therefore suggest that a Committee should go into this question, but it should be remembered that the very production of teachers would not be conducive to the growth of female education in this country. What you require is not so much the training of teachers, as the stimulus given to primary, secondary and higher education to our girls in the centrally administered territory. That would be an example to be followed and copied by the provinces and in this way, at any rate, we shall be able to add one more brick to that grand arch of national reconstruction for which we are all striving and towards which we are steadily progressing.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhammadan) : Sir, I rise to lend my wholehearted support to the underlying principle of this Resolution as well as to the amendment moved by my Honourable friend Sardar Gulab Singh. The underlying principle of this Resolution I take it to be the spread of girls' education in the centrally administered areas, and the substance of my friend Sardar Gulab Singh's amendment is that, in order to carry out that object, a well-equipped college for the training of women teachers should be started, and along with it a normal school should be started in order to secure the production of a sufficiently large number of trained women teachers to train up the girls. Sir, it is very necessary that a college, well equipped college, for the training of female teachers should be started at a central place, and in order to.....

Mr. B. Das : Will the Honourable Member use the words "lady teachers" instead of "female teachers ?"

Mr. Gaya Prasad Singh : I stand corrected. It is quite necessary to start a suitable college at a central place for the training of lady teachers ; and to act as a feeder to this institution normal schools should be opened at different centres in the centrally administered areas. It has been pointed out in the course of this debate that the centrally administered areas are not a compact territory ; they are scattered all over the country ; and if we confine ourselves to the terms of the Resolution, it would mean that only one college is to be started. It is asked : How is one college going to act as a training ground for the teachers of all the centrally administered areas ? My reply to that is that one college should be started at a central place, say in Delhi ; and normal schools to act as feeders to this institution may be started, say, one in Ajmer-Merwara, one in the North-West Frontier Province, and in other centres where necessary. I want, Sir, to refer this House very briefly to the present position of education in some of the centrally administered areas.

In Ajmer-Merwara I find that the total population is 4,95,271, and in 1926 there were 10,260 scholars in 176 recognised educational institutions for males ; and 1766 in 20 similar institutions for girls. I beg to submit that this is a very disappointing figure, and I hope that in course of time and with the arrangements which we are proposing to make, the number of girl scholars will considerably increase.

Then I shall turn for a minute to Coorg, which is of course a very small territory, with a population of about 1,63,838. There were in 1926,

871 boys in high schools ; 7,118 in primary schools ; and 174 girls in high schools, and 668 in primary schools.

The figure with regard to the North-West Frontier Province is as follows. The population of the province in 1921 was 22,51,340. In 1925-26 there were 601 recognised educational institutions for males, with 52,072 scholars ; and 85 similar institutions for girls with 6,344 scholars. The percentage of scholars to the total population is 2.9. This, I submit, is a very lamentable state of things in a centrally administered area, which should act as a model to other Provinces.

The condition of things in other provinces is no less unsatisfactory, but under the terms of this Resolution we are not to travel beyond centrally administered areas ; and therefore I will not refer to them.

Nawab Sir Sahibzada Abdul Qaiyum : That does not include the tribal area, which has not yet been provided with facilities for education.

Mr. Gaya Prasad Singh : That only strengthens my position. In the tribal area, to which my Honourable friend refers, no adequate provisions have been made for imparting education either to boys or to girls. I remember there was a proposal in the Standing Finance Committee very recently, asking funds for the purpose of establishing a jail in the North-West Frontier Province. Some of us were inclined to think that the money we were asked to spend for the establishment of the jail would have been better employed in imparting education in that area. In that case probably there would not have been very great necessity for a jail to be established there. If we opened schools it would follow that we would close up the jails in course of time.

My Honourable friend, Mr. Joshi, has said—if I followed him aright—that he wanted any sort of women teachers to act as teachers for the training of girl students. If that was his meaning, I certainly disagree with him. He went further and said that he wanted quantity and not quality of education among girls. I emphatically dissent from that view. The sort of education we want to be imparted to our girls should be not merely literary education, but it should include religious training as well as physical. We are certainly not expected to entrust our girls to the care of teachers whose antecedents we do not know and who have had no proper training in respect of character and attainments to take up the important and delicate art of teaching.

The next point which was taken up by Mr. Joshi was that he did not like that boys and girls should be educated in separate institutions, and he said that he would like to see them educated in the same school. We would like to record our dissent from this view. We want that the education which a girl requires should be somewhat different to the education which we would like to impart to our boys, and therefore the curriculum for girls as well as the curriculum for boys would naturally differ to a considerable extent. I do not think it would be a wise or a practical proposition to allow our boys and girls to be thrown together and to be trained in the same institution. It is rather difficult to speak on a proposition which is so obvious ; and I do not think that many words of mine are needed to commend this Resolution to the acceptance of the House.

Mr. Bajpai is sitting so leisurely, as if he had an unanswerable case against us in his pocket ; but I will ask him to deal with this question

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very fully and sympathetically in the course of his reply to what we have said in the House.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : I move that the question be now put.

Pandit Thakur Das Bhargava (Ambala Division : Non-Muhammadan) : Sir, I rise to support the Resolution and the amendment of Chaudhri Mukhtar Singh.

Mr. Gaya Prasad Singh : It has yet been moved.

Pandit Thakur Das Bhargava : The amendment was moved, Sir. Now, Sir, it is too late in the day to expound the advantages of female education, especially in this House. This is an admitted fact. The question then is, how this female education is to progress in this country and on what lines. Though it is admitted in theory that female education is very good, in practice the apathy shown by the Government of India and by the Provincial Governments is very great. There is some provision in villages for the education of boys, but so far as the education of girls is concerned, I think it can be safely said that it has been too sadly neglected. To-day, in all the civilised Governments of the globe, it is the right of the subject to expect that the Government shall provide free and compulsory primary education for the nationals of the country, whether the recipients of the education are boys or girls, and I must say that the Government of India must hang down its head in shame if all the figures which have been quoted to the House by the various speakers who have spoken before me are scrutinised. Those figures also are not safe because, if there is any female education, it is to be found in some of the big cities. If the rural areas are segregated and then the percentage of literacy is found out, it will go down still, and will come to almost a negligible figure. The Government meet this by saying that the special social customs of India and other factors are to blame. I do not agree. I want to repudiate the suggestion of Sir Hari Singh Gour and I want to say that girls in the country want education. There is no poor man in the country who does not want education. It is wrong to say that no girls are to be found who could be educated. I am rather surprised to hear this from the Chancellor of the Delhi University (*An Honourable Member* : "*Ex*-Vice-Chancellor.")—from the *Ex*-Vice-Chancellor of the Delhi University. The old argument is trotted out that as there is child marriage, it is impossible to have female education in India. May I know what arrangements there are in the whole country for the education of girls from the age of 6 to 10 or 11 ? Marriages do not take place within those ages.

Sir Hari Singh Gour : What is the good of such education ?

Pandit Thakur Das Bhargava : This is the first time I have heard in this House an argument of this sort from an Honourable Member—and

specially from Sir Hari Singh Gour : "What is the use of female education ?" What is the use of any education at all I fail to see. If the benefits of free and compulsory primary education are not realised by Sir Hari Singh Gour, I have nothing but pity for him. I am very sorry to hear that. The Universities which only cater to the needs of those who live in the city are institutions which do not benefit the poorer people of the country, and when I am reminded of the fact that even such big people as Sir Hari Singh Gour think like this, then it means that there is no room in India for the poorer people, if the administration of Universities is to be handed over to gentlemen like our *Ex*-Vice-chancellor.

Now, Sir, there is such a thing as democratisation of education. I do not grudge Delhi or any other place having any college or any high school. I want them in much greater numbers than at present. But if these colleges and high schools are to be had at the expense of the education of the poorer classes of this country, I would rather not have them at all. Sir, I know that the Honourable the Secretary for Education, Health and Lands will rise up in his seat and say that there is no money. This free and compulsory primary education is a question of rupees, annas and pies. Much more so in this country, because, if any person goes to the villages and asks the village people to educate their girls, they say, "We are not even having our food ; we have not sufficient means for our necessary clothes and will we make Babus out of these girls ?" This is exactly what is said to every person who goes to a village and asks the villager to have his daughter educated. He says, "Even the boys are not educated ; what sense is there in asking me to send my girl to school ?" Sir, this is a very difficult question to solve, but this is the most urgent question of the day. If further reforms are to come, the future queens of India would be the women. They will be invested with sovereign powers. They will not be the queens of the homes alone. When the vote is given to them they will certainly exercise a great control over the destinies of India. Do we want that we should have ignorant masters or intelligent and educated masters ? Or do we want no progress at all ?

Now, Sir, I would submit that these two most difficult questions arise, *viz.*, (1) the question of funds, and (2) whether this free and compulsory primary education is to be had at the expense of.....

Mr. President : There is no question of free and compulsory education in this Resolution. I hope the Honourable Member will read the Resolution.

Pandit Thakur Das Bhargava : May I humbly submit, Sir, that I am supporting the amendment of Chaudhri Mukhtar Singh which reads thus :

"That for the words from 'for the furtherance of' to the words 'training of women teachers' the following be substituted :

'for providing free and compulsory primary education of girls between the ages of 6 and 11 in the centrally administered territories as early as possible and as a first step to that end to establish at once sufficient number of women teachers' training schools in that area'."

Mr. President : Whose amendment ?

Pandit Thakur Das Bhargava : Chaudhri Mukhtar Singh's.

Mr. President : Has that amendment been moved ?

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : It was moved, Sir.

Pandit Thakur Das Bhargava : It was moved the other day, Sir. I would submit, Sir, that the problem is how the girls of the poorer classes are going to be educated. When western education was introduced in India people would gladly go to Maktabs and Pathshalas, but would not go to westernised schools and the Government gave scholarships to those whom they wanted to attract to those schools. I want to propose exactly the same thing, and the first suggestion that I wish to make is that every girl should be given a scholarship, be it eight annas or a rupee, every month so as not to deprive the parents of those girls of any earnings that the girls may have made. Sir, this solution may or may not be relished by many Members sitting here, but I have got some experience of the villages and the village people and my feeling is that unless this is done there is very little likelihood of any experiment being successful in the rural areas. The second suggestion that I wish to make is that some normal schools for training women teachers should be established in the various parts of the centrally administered territories. Sir, the Honourable Mr. Joshi just now pointed out that he was in favour of the co-education of boys and girls. The proposal was laughed at by some people. Now, I beg to propose the same thing though to a limited extent. I wish to suggest that so far as free and compulsory primary education is concerned, there is no other solution except this, that for the time being boys and girls up to a certain age should be educated together. Up to the age of 10 I do not think many people will have any serious objection to sending their girls to the same schools to which the boys go. Unless and until there are a sufficient number of women teachers this must be done. At the same time, I would submit that if there is any walk of life in which women can shoulder out men, it is this. If you study the systems of England and America you will find that every primary school has got girl teachers. Some time ago the Punjab Government sent two of its officers to England to study the rural conditions there and they reported on many matters. As regards the point pertinent to this Resolution they were of opinion that the presence of girl teachers was necessary to bring out the qualities that distinguish children from men. If we study the system in vogue in America, so far as rural education is concerned, you will find the same thing. Now, Sir, I want to suggest one more thing, and that is this. Literary education in the three R.'s is absolutely essential, but as was reported by those two officers of whom I have spoken, the rural side of education should not be neglected. Unless and until you make education attractive to those people to whom it is imparted, it is impossible that you can arouse any enthusiasm in those people. The rural part of education, agricultural and industrial, should not be lost sight of.

Now, Sir, I do not wish to tire the House by going into figures, but I will only point out that the poorer classes have got a better claim on the revenues of the country than the other classes, though I do not want to differentiate such claims on the score of classes as Mr. Joshi did. For me

there is absolutely no class so far as compulsory primary education is concerned. The richer, the middle and the lower classes—they all have an equal claim to be educated and freely educated. This question only arises with regard to secondary and college education. It is a point of contest between the various schools of thought as to what should be the lines of education so far as secondary and college education is concerned—whether there should be co-education and girls and boys should attend the same colleges. I do not want to enter into those various questions so far as this Resolution is concerned, but at the same time the Government's duty does not end by providing merely for free and compulsory primary education. My voice may be a voice in the wilderness because the proposal contained in the amendment is by itself such that I do not think Government will make any good arrangement in the near future. But let it be understood, whether the Government make arrangements or not, that Government will be failing in their elementary duty towards their subjects if they do not arrange for this primary education as soon as possible. Now, Sir, Simon Commissions come and go, and there are various other Commissions. And then different cries arise from different parts of the House for improvement and progress in different directions. But I submit that no progress is possible, and you cannot improve in any way unless and until this difficult question is solved once for all, and the question cannot be treated in the lighthearted manner in which the Government of India have been treating it for so long a time. So far as the Provincial Governments are concerned, we are not discussing the progress they have made under this Resolution. But, as was pointed out by one of the previous speakers, the Government of India have a special responsibility also in this matter. It is but meet that the Government of India should, by precept and by example, show an example to the Provincial Governments and guide them in their duties towards the people of this country.

With these words I support the Resolution and the amendment.

Mr. D. V. Belvi (Bombay Southern Division : Non-Muhammadan Rural) : It seems to me something like a cruel and painful irony of fate that we should be under the necessity of discussing a Resolution like this in the year of grace 1928, after being under British rule for more than 150 years. We are discussing now whether it is not necessary for us to train women teachers to impart primary education to little girls in this country. We are told that we are under an enlightened Government. I have no doubt that this assertion is in some respects true, but educationally we are in a very bad plight. After 150 years of British rule in this country, what is the condition of education here ? Even in the case of men the percentage of literacy does not go above 8 per cent., and in the case of women the percentage does not rise to even 2. That is the state of things in this country after the enlightened rule of Great Britain for more than 150 years ! My Honourable friend who preceded me said that the British Government should hang its head in shame. I submit that the British Government has neither a head nor a tail. It has not a body to be kicked nor a soul to be damned. It is a soulless machine and it has been rightly described as a steel frame. Had it consisted of human beings, it would have surely felt the shame to which my Honourable friend referred. It has been said that education should be free and that primary education should be compulsory. But my Honourable friends who spoke in support of this Resolution forgot one important fact, namely,

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that you cannot make bricks without straw. Where is the money to come from for the accomplishment of the object of this Resolution? What is our financial position? How do we stand financially? The total revenue of the country is about 140 crores of rupees a year and out of this amount nearly 45 per cent. is swallowed up by one department, namely, the Army. Can you find money to promote education in this country in this state of affairs? Now, let us compare the educational condition of India with the educational condition of the much maligned Soviet Russia. You will perhaps be agreeably surprised to hear that in Soviet Russia the percentage of literacy is 46 in the year 1928. In the Republic of Georgia the percentage is 46. The reason is obvious. Russia spends only 12 per cent. of her revenues on the Army whereas we spend in India not less than 45 per cent. That makes this world of difference between these two countries. The other ways in which we are spending our revenues are also very imprudent. Look at the huge pile of buildings that have been put up in the Imperial City of Delhi. We have already sunk not less than 17 crores of the hardearned revenues of India in that Serbonian bog—the Houses of Parliament, the Viceregal Lodge and the few bungalows that have been built at Delhi. The Government of India have got money enough to waste on these showy things. But they have no money to spend on education. The reason is that there is no will to promote education in India. Had there been a will to promote education, there would have been a way, but the Government of India do not want to promote education in this country. They know that their salvation lies in the ignorance of the people of this country. They may profess all sorts of things in this world but no sane man can believe the professions of the Government of India. Look at the way in which education is promoted in England. Boys are educated and girls are educated. Education is compulsory and universal there. Look at India with all its huge revenue. Is it not a pity that we should be asking the Government of India to finance at least one college in the Imperial City of Delhi for training women teachers, and this too in the enlightened 20th century? Is it not very strange that the part of the country which is administered by the Central Government should be treated in this way? Properly speaking the centrally administered provinces should be something like a model to be held up to the Provincial Governments. In my humble opinion the position of the Government of India with reference to the Provincial Governments ought to be like the position which is generally occupied in a high school by a headmaster with reference to his assistants. I submit that the Government of India stands in the position of a headmaster and the Provincial Governments should always look up to the Government of India for guidance and for the method in which they should promote education, but unfortunately we find that the Government of India neglects its duty. The provinces are better in some respects; but so far as the Government of India is concerned education stands in the position of a neglected Cinderella. My Honourable friend Mr. Bajpai may say something in defence of the position of Government and I am very curious to know how he is going to defend the position of Government. Now, I submit that there should be not one college in the Imperial City of Delhi alone but that there should be a college for training women teachers in every other part of the country which is administered by the Central Government. There should be at least one college in the North-West Frontier Province. Is it very difficult

for the Government of India to maintain a college in each of the territories administered by it? They talk of social reform and orthodox people. My friend Sir Hari Singh Gour says that we orthodox people come in the way of the promotion of female education. But we orthodox people are always willing to have our sisters and daughters educated up to the time of their attaining puberty which may be in their 12th or 13th year. Till then if there is provision for their education they will pick up sufficient vernacular. My friend Sir Hari Singh Gour says there should be high schools for women, and colleges for women. Nobody will be more glad than myself to see a high school for the education of girls in every district and nobody will be more glad to see that there is a college for women's education in every province, but we have not yet reached that stage. We are now at the lowest rung of the educational ladder. We have not even got a school for girls in every big village. What is the use of all this tall talk of high schools for girls and colleges for girls? We need not discuss all these Utopian things just now. Let us be a little more practical. Let us persuade the Government of India at any rate to finance one college in the Imperial City of Delhi. The City of Delhi was compared by my Honourable friend Lala Lajpat Rai—and rightly too—with the city of Rome. What will the rest of the world say when it hears of this discussion in the Legislative Assembly and learns that there is not a single college for training women teachers for the education of girls even in the Imperial City of Delhi? Can there be anything more disgraceful than this state of affairs? How lamentable is it that the education of women is a matter in which nobody takes serious interest on behalf of the Government? They do something here and something there, simply for satisfying us a little. Sometimes they increase the educational expenditure by a lakh or two lakhs and so on, but they have no heart in the matter. They want to keep their army intact. They want to spend the major portion of the revenues of the country on the maintenance of the services and such other things. Educationally the country is very backward and, as I said, the state of things is very lamentable. Some of my friends are discussing the advisability of making primary education compulsory and free in British India. I believe that this is a very large order. It is largely a question of finance. Let us for the present persuade the Government of India to accede to the modest request of my Honourable friend the Revd. Chatterjee and to open a college in Delhi. When they have done it, we may apply next to the Government of India to make education free and compulsory at any rate in the part of the country administered by the Government of India. What is the use of asking them to do too many things all at once? I hope that Government will be pleased to accede to the request embodied in this Resolution. They can easily carry out the object of this Resolution if they have a will to do so. If they please, they can even persuade the Secretary of State to start a women's college in Delhi.

My friend Mr. Joshi urged that there should be mixed schools for boys and girls. The House knows that I am one of the orthodox Hindus in this House. I do take strong objection to the proposition of my Honourable friend, Mr. Joshi. Boys should be educated by all means and girls should be educated by all means, but I am dead against bringing boys and girls together under one roof. You know what is happening in America. The columns of newspapers in this country are very often flooded with quotations of the occurrences in America. I do not believe

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all that is said in the newspapers, but a part of it may be true. We do not want to have that state of affairs introduced in this country. Then it was said that it does not matter what kind of education is imparted to our girls. My friend Mr. Joshi said that education may be imparted even by untrained women. I am dead against it. It is not a sound proposition. We want lady teachers of good character, lady teachers properly trained, teachers in whom we can repose confidence. We cannot entrust our daughters and our sisters to any woman in the street. So I do not accept this suggestion that education may be imparted by anybody and anywhere and in any way. Let there be proper education, properly imparted, under proper supervision.

Mr. K. Ahmed (Rajshahi Division : Muhammadan Rural) : Your teachers must be trained in orthodox style ?

Mr. D. V. Belvi : They may or may not be orthodox ; we have nothing to do with the religion of the teachers. If we can secure orthodox teachers, so much the better. (Hear, hear.)

Mr. K. Ahmed : Suppose they support the Age of Consent Bill of Mr. Sarda contrary to the views of the orthodox section ?

Mr. D. V. Belvi : Well, Sir, I do not choose to reply to the irrelevant criticisms of my friend. I have here something to say about the Resolution, and it will be a mere surplusage of words to say that I support it. Every sensible man in this House is bound to support it. I do not believe that there is a single man in the House who will oppose such a good Resolution. Sir, I support the Resolution with all my heart.

(Several Honourable Members moved that the question be put.)

Mr. G. S. Bajpai : Sir, there is a well known constitutional maxim in England that the King can do no wrong. My Honourable friends opposite, at least some of them, have amended that maxim to the effect that the Government of India can never do and never do anything but wrong.

Mr. D. V. Belvi : No, we do not say so. The Government have often done many things that are right.

Mr. G. S. Bajpai : If Honourable Members do not insinuate or suggest that, then I do not understand why speaker after speaker has got up and charged us with a Machiavellian apathy towards the education of girls or, for that matter, boys' education. Sir, I do not wish to import into this discussion a spirit of controversy. The explanation of that is that the Government of India share the view of Honourable Members opposite, namely, that, to quote a rhetorical phrase, the women of any race or any nation are the custodians of its civilization and the torch-bearers of progress. Here in India if we wish the women of this country to play that exalted rôle in the national evolution of India, then we have some headway to make ; and I am quite prepared to admit that, perhaps, at any rate, in the past, progress in the sphere of the education of women has lagged behind the aspirations of the outside public or for that matter the aspirations of the Government of India. But that in itself is not by any means a justification for saying that the Government of India do not entertain any sympathy towards the demand for improving the facilities for the education of women, or that they are not prepared at any time, and in spite of any pressure,

to give effect to the recommendations and to the wishes of the House. I do not, Sir, I think, stand in any need of traversing in detail the various figures which have been cited by Honourable Members opposite. One Honourable Member, who I regret to say is not in his place to-day, Chaudhri Mukhtar Singh, adopted the other day what I thought was a somewhat unfair criterion ; namely, comparing the progress of literacy among women or for that matter among children generally in proportion to the total population of the areas directly under the Government of India. I think it would have been a fairer comparison if the figures had related exclusively to what might be described as the population of school-going age : and if you adopt the figures of the population of school-going age, then undoubtedly you get a better perspective of the advance that has actually been made in the sphere of education. Now, Sir, it is rather tantalising and not merely tantalising but disheartening to anybody to be told, " Oh ! you have increased the percentage of the literate population in the directly administered areas from .6 to .7." May I, Sir, applying the criterion, which I enunciated just now, give other figures ? The percentage of the school-going age of the population which is now actually in school, shall we say, in the North-West Frontier Province, is 7 as against .6 which was the figure quoted the other day and which I say does not give us a true perspective of what is happening in these areas. Further, I do not think it is altogether fair to pick out an area like Ajmer-Merwara or even the North-West Frontier Province where, after all conditions are not so settled as they are in certain other parts of the country, and where there are numerous difficulties and say, " Here you are, this marks the nadir of your achievement but this is what we propose to regard as the climax of your achievement."

Rai Sahib Harbilas Sarda : Are conditions unsettled in Ajmer-Merwara ?

Mr. G. S. Bajpai : I was speaking of the North-West Frontier Province, Sir.

Rai Sahib Harbilas Sarda : But the Honourable Member coupled Ajmer-Merwara and the North-West Frontier Province together when he spoke.

Mr. G. S. Bajpai : Now let me pursue my argument. As I say, that argument is not fair,—to single out a particular area and to say that the figures are not as satisfactory as Honourable Members opposite would wish them to be or as we would wish them to be, and to say that this is really characteristic of all that the Government of India have done. Why not mention Coorg ? What is the percentage of the population of school-going age there in School at the present moment ? Sixty-seven per cent., if that is of any interest to the House. However, Sir, as I say, I do not wish to traverse in detail the facts and figures because, after all, what they represent is the result of the effort made so far. I have myself stated in the opening part of my speech that there is no ground for full or complete satisfaction with the progress made so far. But what we have to do here to-day is to confine ourselves to the terms of the Resolution moved by my Honourable friend, Mr. Chatterjee. That Resolution falls into three parts. The first part asks the Government of India to spend more money, or, rather, to make substantial grants for the education of women. The second part is that the Government of India should

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found a training college for the training of women teachers ; and the third part is that they should appoint a Committee to explore the possibilities of how and to what extent progress can be made in what has been described as a neglected field. Then there are a series of amendments also. Two of them—one moved by Chaudhri Mukhtar Singh and the other by Sardar Gulab Singh—relate to primary education. Various suggestions have been made. Chaudhri Mukhtar Singh thinks that compulsory primary education provides the panacea for all ills, and that all the areas directly administered by the Government of India, regardless of social conditions, regardless of social differences, regardless of social and economic difficulties, are ripe for the immediate introduction of primary education. Then Sardar Gulab Singh's amendment also relates to primary education because what he suggested was the multiplication of normal schools. On the other hand, Lala Lajpat Rai, the Honourable Leader of the Nationalist Party, said, " It is not really sufficient to confine our attention to primary education ; we ought to embrace in the scope of the activities of the Government of India both primary education and collegiate education, and we should proceed to found a college which would be equipped with the various departments for giving instruction in the arts and sciences." We feel, Sir, that if we take the recommendations or the proposals made in Mr. Chatterjee's Resolution, the last proposal is in logical sequence ; I refer to the proposal to appoint a Committee of inquiry : and the reason for that is this. The other proposals included in this Resolution are proposals which indicate the ways and means of giving effect to the main object, which is the promotion of education among women. Now, in the course of the debate to-day on this Resolution, diversity of opinion has manifested itself as to the means and methods to be employed in securing this object, in advancing towards this goal. My friend, Mr. Joshi, vehemently asserted that co-education was the only way of getting there. My friend, the Honourable Mr. Belvi, got up and said, " No, no, no, that will be a most horrible thing, that will be subversive of the cherished traditions of society and of social customs in this country." Then, Sir, my Honourable friend, Mr. Joshi said : what you should concentrate on is primary education, and not merely primary education, but education for the poorer classes. Other Members got up and said, in this field of education there are no classes, all sections of the community really stand together ; their requirements, their needs are equal, and you have to treat them all as being on one level, and as deserving equally of the solicitude and attention of the State. That, Sir, being the position, in other words, there being diversity of opinion as to the best method which you can adopt for tackling this problem, it seems to me that Government would be going as far as it is desirable at this stage to go to consider the third proposition in my friend Mr. Chatterjee's Resolution, namely, the proposal for the appointment of a committee of inquiry. Mr. Joshi is sceptical of the value of committees. He says committees are a dilatory expedient. If you do not wish to get anything done : if you wish definitely to postpone a matter which may be inconvenient or embarrassing, all that you have to do is to say, we shall appoint a committee. Then the House is momentarily satisfied, the subject passes out of the public view, it is no longer in the popular focus ; years elapse nd, then, when an opportunity comes, the House jog the memory of lovernment and ask what exactly has Government been doing all these ears. Well, I do not think, Sir, that with my experience, which is very

short, of this House, I should be prepared to substantiate the charge that the House is neglectful of matters of this character. Last Session we had a prolonged, an interesting and at times a heated debate over the provision of facilities for educating the depressed classes. That was one aspect of the question urged on that occasion. This Session I received notices of various Resolutions ; there was one about the foundation or establishment of a women's college at Delhi ; there was the Resolution which we are discussing to-day ; there was another Resolution for giving aid to the Anglo-Arabic College. I think, Sir, that the House is not doing itself justice and that Honourable Members on the opposite Benches are not doing themselves justice in suggesting that they have to leave these matters entirely to Government and that their solicitude itself is not vigilant and active on behalf of the backward communities which are directly under the control of the Government of India. So I feel, Sir, that this particular charge of Mr. Joshi's does not stand substantiated. We must concentrate, as I say, on the suggestion made in the concluding proposition of my friend Mr. J. C. Chatterjee's Resolution. And before I proceed further, Sir, I should like to make one remark. Mr. Joshi, Sir, aptly, I think, drew attention to this one fact, that it is not sufficient, if you are going to explore the question of educational facilities in the areas directly under the Government—it is not sufficient to confine your investigation or inquiry to one sex. You have really got to extend that inquiry to include all sections of the community and both the sexes. And that, Sir, is a position which the Government of India wholeheartedly accept.

Now, Sir, to come to the concrete proposal which I wish to place before the House ; the Government of India have carefully considered the whole question of primary education in the areas directly under their administration. That consideration, Sir, started, not after the receipt of the Resolution which we are discussing to-day, but after the debate which was initiated by my Honourable friend Mr. Jayakar last Session on the position of the depressed classes, particularly in regard to education. We have consulted the heads of the minor administration—and I should like to avail myself of this opportunity to pay a tribute to their keen enthusiasm for improving the education of the populations committed to their care—and with their concurrence the Government of India have decided to appoint a committee with the following terms of reference : To enquire into—

(*a*) the existing facilities for primary education for boys and girls ;

(*b*) the possibility of expansion whether on a voluntary or compulsory basis with special regard to the attitude and aptitude of the local population ; and

(*c*) the necessity for providing special facilities for the community generally known as " untouchables ", and to make recommendations.

And not merely, Sir, have we decided to appoint this committee as soon as the Standing Finance Committee would agree to give us the necessary, but we have also decided that in view of the keen and laudable interest

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shown by Honourable Members of this House in this problem the committee should include educational experts and also representatives of this House. We have not yet, Sir, considered what the personnel of the committee is to be, but I think that before I complete my explanation of the general intention and attitude of Government with regard to this matter, I should say that we have taken note of th erecommendations made in the Resolution of my friend Mr. J. C. Chatterjee that this committee, or rather the committee which he recommended, and which was to be confined only to the investigation of the problem of the education of women, should include prominent women. It is the intention of the Government of India that this Committee of Inquiry should have the benefit of the services and the experience of some lady who is interested in and conversant with the problem of the education of women. That, Sir, is what I have to say in regard to the recommendations contained in the Resolution which my friend Mr. J. C. Chatterjee has moved.

I now turn to the amendment of the Honourable Leader of the Nationalist Party, which relates to the establishment of a first-grade women's college at some central place, preferably Delhi. Sir, he made a reference to the historic importance of Delhi. I am glad, Sir, that occasion has been offered by this Resolution for Honourable Members opposite to say something in favour of the Government of India's New Capital. If only, Sir, the admission of a college into the fold is sufficient to satisfy Honourable Members opposite and to reconcile them to the location of the capital of the Government of India in Delhi, there ought to be a meed of satisfaction to be derived for what my Honourable friends on the other side have described as a waste of crores and crores on the creation of an Imperial Capital. The difficulty with regard to my Honourable friend Lala Lajpat Rai's Resolution is this. Although you may treat the education of women, whether it is primary education or secondary education or collegiate education, as part of one whole, yet as practical builders we have to confine our attention first to the ground work, the foundation—to lay the foundation right and true and deep, lay it so that it will endure—and then proceed to erect or build your superstructure thereon. To pursue the analogy a little further, Sir, I feel that the college which my Honourable friend wants is really of the nature of a superstructure—perhaps the second storey to be added to this edifice, and therefore a stage which would come perhaps later in the course of our activities. However, Sir, I know that a reply like that would be described not merely as unduly cautious but possibly also unsympathetic. And if there is one charge, Sir, which I am anxious, at least in a matter of this kind, to escape, not merely for myself but on behalf of the Government of India, it is the charge of lack of sympathy. So what we propose to-day in regard to this particular proposal is this. We shall consult the minor administrations immediately. We shall ascertain their views in regard to this proposal. The important thing to bear in mind is this. It is no use establishing a college in Delhi, or for that matter in any other central area, unless you are sure that from the areas which are directly administered by the Government of India and for which the Government of India are primarily responsible, that you will attract to this college a sufficient number of students. My Honourable friend, Lala Lajpat Rai, said that the colleges in Lahore are crowded ; that sectarian colleges make no appeal to certain sections of the community. They would much rather

be in an institution where sectarianism of any sort or kind does not prevail—a perfectly legitimate aspiration, Sir—and it would be an equally legitimate activity on the part of the Government of India to meet the deficiency, the want of a non-sectarian institution, provided, as I say, there is sufficient material to justify them in the belief that the college when built would really attract a sufficient number of students. I will, Sir, give an instance to show why we are somewhat sceptical of really eliciting admissions sufficient to justify the construction of a first grade college. My Honourable friend referred in the course of this morning to the Lady Hardinge Medical College, the only medical institution of its kind in India, that is to say, an institution which is devoted exclusively to the education of women ; and I may, Sir, for his information at this stage say that this college does not merely confine itself to medical education, that we have as a matter of fact attached to it classes, first and second year science classes, in order to give the necessary scientific training to girls coming to the institution in order to fit them for the pursuit of the higher medical course. Now, Sir, this institution do not, if my information is correct, in the initial stages attract a sufficient number of pupils, although it is recognised, and recognised all over, that one of the primary requirements of this country is an adequate supply of trained women doctors. However, Sir, as I have said, we shall inquire from the heads of minor administrations as to what they think of this idea and if they are in favour of it ; then we propose to take up this question along with the general question which is now receiving the consideration of Government, namely, the future of the University of Delhi. I know, Sir, that by making that statement I am running the risk of incurring the wrath of my friend Mr. Joshi. He thinks we ought to scrap the University of Delhi forthwith ; but you cannot scrap the Delhi University and bring into being at Delhi a first grade college devoted to the instruction of women. I believe that the sense of the House is not to scrap the University of Delhi, but to see, if the University is to survive and endure and to be a model for the various universities of India, whether my friend Lala Lajpat Rai's idea cannot be fitted into the scheme of the future and the wider and the larger University of Delhi.

Then, Sir, there is just one point, a comparatively minor point, namely, the proposal to found a Normal College, a training college. That is a point that we put to the heads of minor administrations, as soon as we received notice of this Resolution, and we were informed by the Chief Commissioner, Delhi, by the Chief Commissioner of the North-West Frontier Province, and by the Chief Commissioner of Ajmer-Merwara that at the present moment they do not feel the want of a central college which would devote itself exclusively to the training of women teachers ; there are already normal schools and an Anglo-Vernacular class is to be added for the training of women teachers in the North-West Frontier Province There is a training school in Delhi. In Ajmer-Merwara, as my friend Rai Sahib Harbilas Sarda pointed out, there is no Government institution imparting this special kind of training at the present moment, but there is a recognised private institution which, according to the information that the Chief Commissioner has furnished us, is at the present moment adequate to the requirements of this area. But the point which I wish to make is this. You are appointing a committee with wide terms of reference. It is being called upon to go into the whole question of existing facilities for education for boys as well as for girls, whether on a voluntary or compulsory basis, and you are also

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asking it to make recommendations. Now, I have no doubt that this committee will also go into the question of the adequacy or otherwise of the existing facilities for the provision of teachers for these institutions ; and if they in their wisdom consider that it is desirable either to have a central training college or to multiply the normal training schools, undoubtedly the Government of India will bestow upon that recommendation exactly the same attention as they will upon the other recommendations of the committee.

That practically brings my remarks to a close, Sir. I have perhaps detained the House longer than I had intended, but I thought it would be as well to make as full a statement on this interesting subject as the time at my disposal would permit. There is one thing that I would like to say, Sir. I hope that in view of the announcement that I have made and the assurances that I have given, my Honourable friend will see his way to withdraw his Resolution. It is not necessary now to push that Resolution, because, what is of value in the Resolution is the spirit and not the particular recommendations which he has made. I have made a full statement of what the intentions of Government in regard to this interesting problem, which is indeed a national problem, are. I have also given the assurance that we do not propose to postpone our initiative to the Greek Kalends but that on the contrary we wish to proceed with it as early as possible. Therefore, Sir, I would appeal to my friend and I would also appeal to the House not to press this Resolution, but to rest satisfied with the assurance that I have given, and, if I may crave such a thing from Honourable Members opposite, to give our initiative their benediction, for I feel, Sir, that they ought to accept the assurance from me that it is the hope, as it will be, the unfailing endeavour of Government, to the utmost of their ability and power, to open wider and yet wider the windows of the mind of those whose enlightenment is their responsibility.

The Revd. J. C. Chatterjee : Sir, when the House resumed discussion on my Resolution this morning, I had a letter passed on to me by an Honourable friend in this House, who said that he was in entire sympathy with my Resolution and therefore did not consider it necessary to remain in the House and wished me good luck. When I looked round, it seemed to me that almost everybody seemed to be in sympathy with my Resolution and that most people seemed likely to follow the example of my Honourable friend, so that it seemed as if the subject was going to die a very speedy death. I am very glad that did not happen. But, Sir, in an otherwise valuable and instructive discussion, there has been just one source of regret to me and that has been the empty state of Benches opposite and also around me. It is said that if all men talk well of any person or of any subject one must be sorry for that person or that thing. It seemed to me that because everybody sympathised with this Resolution, my cause was in danger.

Sir, a great deal has been said about the apathy of Government to this question of the education of girls and women. I hold no brief for Government and in my opening speech, I pointed out that Government had not in my humble opinion done quite as much as they might have done for the cause of women's education. But, as I said then, Sir, I moved this Resolution not merely to get something out of Government and not merely, as it were, to ask them for specific favours, but I also hoped, that this

House would, by the valuable suggestions that they threw out and by the enthusiasm they showed, give a lead, a moral lead, to the whole country ; and I still believe, Sir, that it is not the Government who alone can educate or help us to educate the women and girls of this country, but that a great deal must be done in this matter by private effort, and, therefore, I have refrained from putting all the blame on the Government. I believe, as my Honourable friend, Sardar Gulab Singh, has said, that " the hand that rocks the cradle rules the world ". If that is true, and I believe it is true, surely it is the duty of everyone, not only of Government but of the people of this land, to do their best to train that hand that is going to rule our country. It is specially necessary when we are trying to give the vote to women and to obtain self-government. I believe the best preparation for self-government is to train and educate our women, and I believe the assistance of the people of the country is necessary, and therefore I would have been much happier if the Benches opposite had supported this Resolution by their valuable suggestions, instead of so many Honourable gentlemen opposite absenting themselves simply because they sympathised with this Resolution.

Now, Sir, I shall take a very short time of the House in saying what I feel about the amendments that have been put forward and about what my Honourable friend the Education Secretary has said in his most eloquent and most sympathetic speech. (Loud cheers.) As regards the amendment of Chaudhri Mukhtar Singh, that I believe only seeks to describe in detail what is already contained in the first part of my Resolution. He says, make primary education for girls compulsory. I have asked Government to give us money or an increased grant for the furtherance of education of women and girls in centrally administered territories. If that money is forthcoming—and I hope it will be, after the Honourable Member's sympathetic speech—then what are we going to use that money for ? The first thing required is primary compulsory education. I agree with my Honourable friend, though I can not ask that from the next day, education must be made compulsory in all centrally administered territories. I do not maintain that ; but when we get the money, that will be one of the first things that we will do. No Resolution can embrace within its short scope all the details of a subject. Nothing would be gained by incorporating such amendments within the terms of this Resolution. With regard to normal schools I used the term " training college " in a very wide sense, not only as a training college for graduate teachers, but also as including teachers for village schools, or teachers trained in normal schools. That, I submit, is included within the scope of that Resolution.

As for the amendment moved by my Honourable friend, the Leader of the Nationalist Party, the suggestion that there should be a first grade women's college in centrally administered areas, preferably Delhi, and that the college should contain facilities for the teaching of Arts and Sciences as well as for training teachers, I am in complete sympathy with his suggestion. But I do not agree with my Honourable and gallant friend, Sir Hari Singh Gour.... (*Several Honourable Members*: "How is he gallant ?") He is a Knight (Loud laughter and cheers). I do not agree with my Honourable friend that students will not be forthcoming for the women's college, or for high and secondary schools. I do not entertain the same fear, but say that if a college were established in Delhi—

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and I do hope the Government of India will see the wisdom of establishing such a college—there will be no difficulty in filling it. I have been in educational work in Delhi for the past 20 years, and I can claim to know the state of things in the city and round about, so that I can assure you that if such a college were now established there will be enough girls from Delhi itself and places round about to fill it. In Delhi alone there are three high schools for girls. Of course not one of them is at present run by Government, but they themselves will supply a good many students for a college.

I believe it is the duty of the Central Government to give the lead to other administrations. If they establish a first grade girls' college it will attract women from all parts of the country, and especially if it has a teachers' training department, it will attract girls from all over the country to be trained there. I must say that I am rather surprised that my friend the Education Secretary stated that the Lady Hardinge College suffered from a lack of students. I am in fairly close touch with that college and find that girls are refused admission because it has been found that there is not enough room for them. I maintain that there are several girls who long and desire to go to that college and are prevented from doing so because an adequate number of scholarships are not provided. But if you will only give the money and provide adequate scholarships for students in the Lady Hardinge College, it will be absolutely crowded out and nobody will be able to complain that there are not a sufficient number of scholars forthcoming.

It has been said by various Members that what is required is that a special effort be made to encourage women's education. The reason why women teachers are not forthcoming is because Government will not make it easy for women to go to a training college. From my experience I endorse that opinion. I do not want to lay more blame on the Government, but I do say that women teachers must be encouraged. In fact there ought to be every facility given in the way of scholarships.

One more point is that we have various measures of social reform before this House. My Honourable friend, Sir Hari Singh Gour, has brought in several measures for social reform, but his mind at present is too full of marriage and divorce, and it is very difficult for him to give his attention to education pure and simple. He has maintained that, unless you pass these various social measures, you will not be able to get any progress in social affairs. He told us a little story, that whenever he has visited a high school some hoary-headed gentleman has walked in and said that he wanted to take his girl away as he had to marry her. Who sent that hoary-headed gentleman into that high school? Probably some hoary-headed lady behind the walls of the *purdah*, who, because she did not receive the benefits of education, had forced that hoary-headed gentleman to go to the school and take his daughter away. First educate our women and girls and then there will be no need for these Bills on marriage and divorce and other things, because our girls will take care of themselves, and that at any rate is the first thing. Let us have education first and then other things.

It seems that the House is very anxious to proceed to the next subject which undoubtedly will provide many more thrills than the tame subject

of women's education. I therefore do not desire to deprive the House (*Cries of* " Go on. go on ") of enjoying those thrills. But, Sir, I would conclude my remarks by saying this—(*"Cries of* " Go, go on ") I can go on till closing time if you really desire, but I shall spare you.

Mr. President : The Honourable Member is probably aware of the Standing Orders.

The Revd. J. C. Chatterjee : May I have two minutes more, Sir ?

Mr. President : How can he ? He has taken more than 15 minutes.

The Revd. J. C. Chatterjee : I only want two more minutes, Sir. My Honourable friend the Education Secretary has asked me to withdraw this Resolution.

Mr. President : Is the Honourable Member going to withdraw his Resolution after making a long speech ? If he wanted to withdraw, he should have begun by making the motion to that effect.

The Revd. J. C. Chatterjee : From what my Honourable friend has stated, I have abundant belief in his good intentions and in the good intentions of the Government which he adorns, and he has agreed, Sir, to what I believe is the spirit of my Resolution. He has promised a Committee which will go into these matters, and as he has also promised to consider sympathetically the question of the establishment of a women's college, all I desire to ask him is if he is also prepared to give us another assurance, *viz.*, if he will be prepared in territories like Delhi, where the Municipality is asking daily for compulsory education, to go a little further and promise that if this report is delayed—and I quite see, Sir, that Government move slowly and that reports take long in preparation—I want to ask him, Sir, whether he will be prepared, if definite proposals are put forward in the course of a few weeks or a few months for the introduction of free compulsory education for girls in the Delhi province and for a more suitable training school for women teachers, to act on those proposals before that report is ready for publication. I can testify from personal experience that Government have done their best to give effect to Mr. Jayakar's Resolution on the depressed classes, and I am quite prepared to withdraw my Resolution, with your permission, and with the permission of the House, if the Honourable the Education Secretary is prepared to give me that assurance.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : After wasting so much time ?

Mr. President : The question is :

" That for the words from ' for the furtherance of ' to the words ' training of women teachers ' the following be substituted :

' for providing free and compulsory primary education of girls between the ages of 6 and 11 in the centrally administered territories as early as possible and as a first step to that end to establish at once a sufficient number of women teachers' training schools in that area '."

(After the President had put the question and collected the " Ayes " and " Noes ".)

The Revd. J. C. Chatterjee : I would like to withdraw the Resolution, Sir.

Mr. Amar Nath Dutt : After two days' waste of time ?

Mr. President : The Honourable Member sought to get some further assurance from the Education Secretary and now at this stage he wanted to withdraw the Resolution.

The Revd. J. C. Chatterjee : I asked permission to withdraw before the question was put, Sir.

Mr. President : Is it right ? He wanted an assurance from the Education Secretary which he failed to get and now, at this stage when the question was put, and " Ayes " and " Noes " had been received, the Honourable Member wished to withdraw his Resolution. But he also ought to know that he cannot withdraw the Resolution so long as amendments are in his way. No Resolution can be withdrawn unless the amendments are out of the way. They must either be withdrawn or defeated.

The Ayes have it.

The motion was adopted.

Lala Lajpat Rai : May I withdraw my amendment, Sir ?

Mr. President : As the first amendment is carried, all other amendments fall. I do not know how your amendment can now fit in with the amended Resolution. If the Honourable Member can satisfy me, I am prepared to allow him.

Mr. Jamnadas M. Mehta : Mr. Chatterjee's Resolution is gone.

Mr. President : No. I am going to put the amended Resolution to the House. The question is :

" That the following Resolution, as amended, be adopted :

' This Assembly recommends to the Governor General in Council that he be pleased to sanction a substantial grant, capital as well as recurring, for providing free and compulsory primary education of girls between the ages of 6 and 11 in the centrally administered territories as early as possible and as a first step to that end to establish at once a sufficient number of women teachers' training schools in that area.

This Assembly further recommends that a competent Committee, including prominent women, be appointed to go into the subject and to make a report '."

The Revd. J. C. Chatterjee : I ask your permission now, Sir, to withdraw.

Mr. Jamnadas M. Mehta : It is not your Resolution.

An Honourable Member : That is a technical difficulty.

Mr. President : The Honourable Member was not fortunate enough to defeat the amendment.

The question is that that Resolution, as amended, be adopted.

The motion was adopted.

Mr. President : To-morrow I understand the Select Committee on the Public Safety Bill meets and therefore this House will not sit.

The House stands adjourned till Thursday morning at 11 o'clock.

The Assembly then adjourned till Eleven of the Clock on Thursday the 20th September, 1928.

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LEGISLATIVE ASSEMBLY.

Thursday, 20th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

PAYMENT OF COMPENSATION TO TELEGRAPHISTS AND TELEGRAPH DELIVERY PEONS FOR EXTRA WORK ON SUNDAYS AND HOLIDAYS.

670. ***Mr. N. M. Joshi** : Are Government aware that during a period of 30 years service, telegraphists and delivery peons render almost 7 years more of service than employees in the administrative offices, by reason of the denial to them of all Government holidays, half holidays or even Sundays ? And if so, what compensation do these employees receive at the hands of the Government for the extra service rendered ?

The Honourable Mr. A. C. McWatters : The condition of service in the case of telegraphists and telegraph delivery peons is such that they are required to perform a short duty on Sundays and holidays. This is a factor which has not been lost sight of in fixing their scale of pay. Moreover, these officials are treated liberally in the matter of casual leave. The question of paying them any compensation does not arise.

Mr. N. M. Joshi : May I know whether it is not a fact that they lose leave which others enjoy ?

The Honourable Mr. A. C. McWatters : I think, Sir, that I explained that in my answer. The conditions of telegraph work is such that some telegraphic work must be done on Sundays and holidays in the interests of the public. The men who perform this extra short duty are given extra casual leave and their pay is regulated in consideration of the total work they do.

MILITARY PENSIONERS IN CHITTAGONG.

671. ***Mr. Anwar-ul-Azim** : Will Government be pleased to state how many military pensioners there are in Chittagong ? Do Government propose to take steps to send these pensions by money order when they are below Rs. 20 ?

Mr. G. M. Young : Military pensions at Chittagong are disbursed by the Treasury Officer. The Officer is under the Local Government to whom a copy of the Honourable Member's question and this answer will be communicated.

INCREASE IN THE PERCENTAGE OF MUSSALMANS EMPLOYED IN CERTAIN OFFICES.

672. ***Mr. Anwar-ul-Azim** : (*a*) Will Government be pleased to state the number of Superintendents, Head clerks and clerks in the offices of the (*i*) Controller of Inspections, (*ii*) Controller of Purchase, Calcutta Circle, (*iii*) Controller of Patents, (*iv*) Chief Inspector of Explosives and

(v) Director General, Commercial Intelligence and Statistics, and state the number of Mussalmans in the above offices in each cadre ?

(b) If the percentage of Mussalmans falls below the number prescribed by the Home Department, what steps have been taken by Government to increase the percentage of Mussalmans ?

(c) Is it a fact that there is only one Moslem Inspector out of 25 Inspectors and Examiners in the office of the Controller of Purchase ?

The Honourable Mr. A. C. McWatters : (a) The information asked for is being collected and will be supplied to the Honourable Member.

(b) There is no prescribed number of Mussalmans for these or other offices.

(c) As the Controller of Purchase, Calcutta Circle, has no Examiners under him, it is presumed that the question refers to the Office of the Controller of Inspection, Calcutta Circle. Out of 14 Examiners and 13 Inspectors at present employed in the latter Office, only one Examiner is a Moslem.

CLASS, NUMBER AND HORSE-POWER OF LOCOMOTIVES OWNED BY, ORDERED OR UNDER CONSTRUCTION IN RAILWAY WORKSHOPS FOR STATE AND COMPANY-MANAGED RAILWAYS.

673. ***Lieutenant-Colonel H. A. J. Gidney** : Will Government be pleased to state the class, number and horse-power of locomotives :

(a) owned by,

(b) under order with manufacturers for,

(c) under construction by railway workshops or other State-owned factories and other engineering concerns in India for :

(i) State-managed Railways, and

(ii) Company-managed Railways ?

Mr. A. A. L. Parsons : (a) I would refer the Honourable Member to pages 77, 163 and 164 of the Report by the Railway Board on Indian Railways for 1926-27, which gives the information available including the tractive effort of locomotives on Class I Railways. Locomotives are rated by tractive effort and not by horse-power.

(b) The Honourable Member will find the number and types of locomotives which it was proposed to order for each Railway, either State-managed or Company-managed, in the pink books which were circulated with the Budget. I am unable to say whether in all cases orders have as yet actually been placed.

(c) Locomotives are only at present manufactured in India at the Ajmer workshops. The locomotives which it was proposed to manufacture there in the current year were 15.

PRESENT LENGTH OF RAILWAY LINES IN INDIA AND UNDER CONSTRUCTION IN STATE AND COMPANY-MANAGED RALWAYS.

674. ***Lieutenant-Colonel H. A. J. Gidney** : Will Government be pleased to state the present length of railway lines in India and that under construction, broad gauge, metre gauge and narrow gauge in

(a) State-managed Railways, and

(b) Company-managed Railways ?

Mr. A. A. L. Parsons : I am sending the Honourable Member a statement giving the information he requires.

ANNUAL CONSUMPTION OF COAL IN TONS BY STATE AND COMPANY-MANAGED RAILWAYS.

675. ***Lieutenant-Colonel H. A. J. Gidney** : Will Government be pleased to state the annual coal consumption in tons by

(a) State-managed Railways, and

(b) Company-managed Railways,

taking the average of the past three years ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to statement 27 (a) and to statement 36 in Volume II of the Reports by the Railway Board on Indian Railways.

NUMBER OF MUHAMMADAN DOCTORS IN DISPENSARIES IN THE OUTLYING SUBURBS OF DELHI, ETC.

676. ***Maulvi Muhammad Yakub** : (a) Is it a fact that in dispensaries in the outlying suburbs of Delhi the number of Muhammadan doctors is only one out of four ?

(b) Is it a fact that there are 26 Sub-Assistant Surgeons in Delhi Province out of whom there are only 6 Muhammadans ?

PERIOD FOR WHICH SUB-ASSISTANT SURGEONS HOLD CHARGE OF DISPENSARIES IN DELHI.

677. ***Maulvi Muhammad Yakub** : (a) Is it a fact that one Bhai Naurang Singh, Sub-Assistant Surgeon, Lall-Kunwan Dispensary, Delhi, is in Delhi Province since August 1912 ?

(b) Is it a fact that the son of Bhai Naurang Singh, Sub-Assistant Surgeon, was reading in the school at the time of the Chinese murder case in 1921-22 ?

(c) Is it a fact that Bhai Naurang Singh's son and nephew were both residing with him in the same quarter ?

(d) Is it a fact that both the persons, son and nephew of Bhai Naurang Singh, were arrested and made approvers in the above Chinese murder case ?

(e) Is it a fact that looted property, China silk cloth pieces, were recovered from the house of Bhai Naurang Singh, Sub-Assistant Surgeon, during the course of the investigation ?

(f) Is it a fact that said Bhai Naurang Singh, Sub-Assistant Surgeon, was transferred several times, but his orders of transfer were anyhow postponed and cancelled ?

(g) Is it a fact that according to the Punjab Medical Manual a Sub-Assistant Surgeon cannot hold charge of any dispensary for more than five years ?

(h) Is it a fact that Bhai Naurang Singh, Sub-Assistant Surgeon, is holding charge of the Lall-Kunwan Dispensary for more than five years

and the same is the case with the undermentioned Sub-Assistant Surgeons :

(1) Tulshi Ram, Laboratory, New Capital, since nine years.

(2) Bhagat Ram, New Delhi Combined Hospital, since nine years.

(3) Bhagat Sarup, Indoor Department, Civil Hospital, Delhi, since seven years.

If so, will the Government be pleased to state whether the authorities concerned acted in contravention of the rules laid down in the Punjab Medical Manual and what steps they would like to take to rectify such irregularities ?

NUMBER OF MUHAMMADAN ASSISTANT SURGEONS IN THE DELHI PROVINCE, ETC.

678. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that there is only one Muhammadan Assistant Surgeon in Delhi Province, out of the four Indian Assistant Surgeons ?

(*b*) Is it a fact that Doctors Mukand Lall, Dwarka Dish, and Parmeshari Dass, Assistant Surgeons, are Kaisth by caste and are either residents of Delhi, or have family connections in Delhi City ?

(*c*) Do Government propose to transfer them from Delhi to some other district in the public interests ?

Mr. G. S. Bajpai : With your permission I shall answer questions 676, 677 and 678 together. The necessary information has been called for from the Chief Commissioner, Delhi, and will be supplied to the Honourable Member on receipt.

REPORT OF THE INDIAN STATES COMMITTEE.

679. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to stat whether the report of the Indian States Committee will be submitted to th Government of India or the Secretary of State ?

(*b*) Will the said report be available to the public ?

(*c*) In so far as the Committee are required to investigate the claims of the States to a share of British Indian taxation, and a voice in the determination of the fiscal policy of British India, will their recommendations, at least on these points, be placed before this House for consideration ?

The Honourable Mr. J. Crerar : Sir Denys Bray who is still confined to bed has requested me to answer this and other questions relating to his Department in his place.

(*a*) The point is under examination and a reply will be sent to the Honourable Member in due course.

(*b*) and (*c*). The Government of India are not at present in a position to make any statement on these points.

†680*-685*.

†For these questions, see at the end of the list of starred questions for the day.

INTRODUCTION OF THE CREW SYSTEM ON THE DIFFERENT STATE RAILWAYS.

686. ***Mr. Muhammad Rafique** : (*a*) Will the Government be pleased to state when the Crew System was introduced on the different State-owned Railways ?

(*b*) Was this system meant to replace the ticket checking system previously in force ?

(*c*) Is it a fact that the Crew System is a preventive measure for illicit travelling while the Travelling Ticket Inspectors were for the purpose of detection only ?

Mr. A. A. L. Parsons : (*a*) The Crew System was introduced on the Howrah-Asansol Section of the East Indian Railway in August 1926, and extended over the complete length of the Howrah Division including a small portion of the Asansol Division from 1st April 1927. It was then introduced on the Lucknow Division on 1st May 1927. It was further extended on the Asansol-Moghal Serai Section excluding branches from 1st April 1928. It was introduced on certain sections of the Eastern Bengal Railway on the 15th October 1927. On the Great Indian Peninsula Railway it was introduced on the Manmad Division from 1st April 1927.

(*b*) and (*c*). Yes.

NUMBER OF TRAVELLING TICKET INSPECTORS IN THE EAST INDIAN RAILWAY BEFORE AND AFTER THE INTRODUCTION OF THE CREW SYSTEM, ETC.

687. ***Mr. Muhammad Rafique** : (*a*) Will the Government be pleased to state the number of Travelling Ticket Inspectors at present on the East Indian Railway and before the Crew System was introduced ?

(*b*) What is the grade of a Travelling Ticket Inspector, and what is the grade of a Crew, Crew-in-charge, Assistant Crew Inspector and Crew Inspector ?

(*c*) Is it a fact that a Travelling Ticket Inspector draws or used to draw mileage allowance before the Crew System was introduced ?

(*d*) Is it a fact that this mileage allowance forms a part of his pay as 25 per cent. of this mileage allowance is deducted for Provident Fund ?

(*e*) What is the difference between mileage allowance and travelling allowance ?

(*f*) Is 25 per cent. of the travelling allowance also deducted for Provident Fund ?

Mr. A. A. L. Parsons : (*a*) The latest date for which figures are available is March 1928, when there were 96 Travelling Ticket Inspectors on the East Indian Railway.

The number of such Inspectors before the Crew System was introduced was 166.

(*b*) The grades are as follows :

Head Travelling Ticket Inspector Gr. I—Rs. 220—20—300.

Travelling Ticket Inspector Gr. II—Rs. 130—10—200.

Travelling Ticket Inspector Gr. III—Rs. 60—4—64—8—120.

Crewmen Gr. ' A '—Rs. 30.
Crewmen Gr. ' B '—Rs. 40.
Crewmen-in-charge Gr. A—Rs. 60—5—70.
Crewmen-in-charge Gr. B—Rs. 80—5—90.
Assistant Inspector—Rs. 75—5—125.
Crew Inspector Gr. A—Rs. 100—10—200.

(*c*) Yes.

(*d*) Yes.

(*e*) Mileage allowance is treated as pay for the purpose of calculating Provident Fund and leave allowances ; travelling allowance does not form part of pay for this purpose.

(*f*) No.

NUMBER OF CREWMEN. CREWMEN-IN-CHARGE, ASSISTANT CREW INSPECTORS AND CREW INSPECTORS EMPLOYED ON THE EAST INDIAN RAILWAY.

688. ***Mr. Muhammad Rafique** : (*a*) How many Crewmen, Crewmen-in-charge, Assistant Crew Inspectors and Crew Inspectors are there on the East Indian Railway ?

(*b*) How many Travelling Ticket Inspectors are made Crewmen, Crewmen-in-charge, Assistant Crew Inspectors and Crew Inspectors ?

Mr. A. A. L. Parsons : (*a*) In April 1928 the numbers were as follows :

Crewmen	1,132
Crewmen-in-Charge	176
Assistant Inspectors	50
Sub-Inspectors	3
Chief Inspectors	3

(*b*) Government are not aware of the exact numbers and doubt if any useful purpose would be served by calling for the information.

PROMOTION OF TRAVELLING TICKET INSPECTORS TO CREWMEN, CREWMEN-IN-CHARGE AND ASSISTANT CREW INSPECTORS.

689. ***Mr. Muhammad Rafique** : (*a*) Is it a fact that some Travelling Ticket Inspectors of long service have been made Crewmen, Crewmen-in-charge and Assistant Crew Inspectors ?

(*b*) Is it a fact that some Travelling Ticket Inspectors, though drawing their usual salaries, have been put into a much lower grade and are subordinate to those who receive less pay ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) A few have been so treated.

RULES FRAMED IN CONNECTION WITH THE CREW SYSTAM ON THE EAST INDIAN RAILWAY.

690. ***Mr. Muhammad Rafique** : (*a*) Is it a fact that a meeting of officials of East Indian Railway which included the Chief Operating Superintendent, Director of Finance (Railway Board), Deputy Agent and others was held to consider some questions and to frame some rules in connection with the Crew System on the 3rd of May 1927 ?

(*b*) Were the rules framed and suggestions made by these officials approved by the Agent, East Indian Railway, and the Railway Board ?

(*c*) Will the Government be pleased to lay on the table a copy of the minutes of the meeting held on the 3rd May 1927 or lay on the table a copy of the rules framed at that meeting ?

Mr. A. A. L. Parsons : (*a*) Yes ; a meeting of departmental officers was held to consider certain questions connected with the working of the Crew System.

(*b*) No rules were framed, but the orders of the Agent, East Indian Railway, and of the Railway Board were taken where necessary.

(*c*) The meeting was purely a departmental meeting, and Government do not propose to lay copies of minutes on the table. No rules were framed at the meeting.

PAY OF TRAVELLING TICKET INSPECTORS ON THE EAST INDIAN RAILWAY.

691. ***Mr. Muhammad Rafique** : (*a*) Was it mentioned in the rules framed at the meeting of officials held on the 3rd May 1927, that the Travelling Ticket Inspectors and Deputy Inspectors of the Travelling Ticket Inspectors taken over by the Operating Department, will be placed in suitable appointments on the new scale recently sanctioned for the Operating Department by the Agent, and that they will draw the pay they used to draw in the Accounts Department *plus* average mileage ? Was it also stated that the average mileage would be calculated on the mileage actually drawn for a period of 12 months prior to transfer to the Crew System, and that the difference between the pay thus arrived at after taking average mileage into consideration and the maximum of the grade in the Operating Department in which they are placed, would be observed in future increments ?

(*b*) Will Government kindly state if effect has been given to these Resolutions, and if so, how many cases have been dealt with accordingly ?

(*c*) How many Travelling Ticket Inspectors are now under the Operating Department ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The Honourable Member's question appears to be based on the record of a departmental meeting contained in a file in either the Railway Board's or the Agent's office, and I regret that I am unable to make any statement with regard to such a record which is a privileged document. I shall, however, be obliged if the Honourable Member will kindly let me know how the information came into his possession.

(*c*) I am making enquiries and will let the Honourable Member know the number later.

APPEAL MADE BY THE TRAVELLING TICKET INSPECTORS OF THE EAST INDIAN RAILWAY TO THE DIVISIONAL SUPERINTENDENT, CREWS, DINAPUR.

692. ***Mr. Muhammad Rafique** : (*a*) Will the Government be pleased to state if any appeal by the Travelling Ticket Inspectors was made to the Divisional Superintendent, Crews, Dinapur ?

(*b*) Is it a fact that a reply on the following lines was received by the Travelling Ticket Inspectors from the Operating Department in letter No. 40-O.D.|Crew, dated 7th August 1928 : " The memorialists do not in any way suffer any monetary loss by being in the Crew System. It is purely an act of grace that these men are being retained and paid high salary though utilised for appointments which are only worth between Rs. 50 and Rs. 60. Taking a strict view perhaps the correct procedure would have been to dispense with the services of these men or offer them posts on lower pay " ?

(*c*) Will Government be pleased to lay on the table a statement showing the length of services of these Travelling Ticket Inspectors ?

(*d*) Will Government be pleased to state the name of the officer who sent this letter, his grade, and the period he has been posted on the grade ?

(*e*) Is it the intention of the Government to dismiss the Travelling Ticket Inspectors who have served for a long period by utilising them for lower grade appointments ?

Mr. A. A. L. Parsons : (*a*), (*b*), (*c*) and (*d*). Government have no knowledge of the facts and regret that they cannot undertake to enquire into cases of individual officials which are entirely within the competence of the Agent.

I would also point out to the Honourable Member with reference to part (*e*) of his question that a transfer of an employee to another post is not a dismissal.

EMPLOYMENT ON LOWER SALARIES IN THE CREW SYSTEM OF TRAVELLING TICKET INSPECTORS OF THE EAST INDIAN RAILWAY.

693. ***Mr. Muhammad Rafique** : (*a*) Is it a fact that on page 42 of the Report on " Experimental Working of Crews System " by the Chief Operating Superintendent it is mentioned " There is no class of employees under the Crew System whose duties and responsibilities could be held as equivalent as those of Travelling Ticket Inspectors " ?

(*b*) If the answer to (*a*) is in the affirmative, what are the reasons that these Travelling Ticket Inspectors are employed for lower salaried work in the Crew System ?

(*c*) Is it a fact that the Travelling Ticket Inspectors have to pass some examinations before they are appointed ?

Mr. A. A. L. Parsons : (*a*) Yes. Incidentally I wish to observe that the Honourable Member is quoting from a purely departmental document, the contents of which have not been published, and I shall be very grateful to him if he will let me know how it came into his possession.

(*b*) In order to provide other posts for men who would otherwise have to be discharged from the service.

(*c*) I believe this to be so.

PROMOTION OF SUBORDINATES TO SUPERIOR APPOINTMENTS ON THE GREAT INDIAN PENINSULA RAILWAY.

694. ***Mr. N. M. Joshi** : (*a*) How many subordinates were acting as officers on the Great Indian Peninsula Railway when Mr. Parsons in reply to my question in the last Session gave the assurance that the confirmation of subordinates was dependent on permanent vacancies occurring ?

(*b*) How many vacancies occurred since and how were they filled up ?

(*c*) What is the present percentage of the subordinates promoted to the superior establishment to the total number of gazetted officers recruited in India and in England on the Great Indian Peninsula Railway ?

Mr. A. A. L. Parsons : (*a*) 35.

(*b*) 13. Of these 2 were filled by the Secretary of State, 9 by direct recruitment in India, 1 by promotion from the subordinate grades, and 1 will shortly be filled by similar promotion.

(*c*) The total cadre of the superior officers on the Great Indian Peninsula Railway is 249, and 3 have been promoted from the subordinate grades.

TERM OF PROBATION FOR THE TRAINING COURSE OF PROBATIONERS APPOINTED TO THE TRANSPORTATION AND COMMERCIAL DEPARTMENTS OF THE GREAT INDIAN PENINSULA RAILWAY.

695. ***Mr. N. M. Joshi** : (*a*) What is the term of probation fixed for the training course of probationers appointed to the transportation and commercial services of the Great Indian Peninsula Railway ?

(*b*) Are these probationers after their training is finished entitled to confirmation in permanent vacancies in preference to the subordinates with approved service who are fully qualified for confirmation and who have been awaiting confirmation for many years ?

(*c*) Are Government aware of these probationers having been confirmed in permanent vacancies much earlier than the period of their probation ?

(*d*) What will be the status and the pay of subordinates who have been acting for several years? Should they have to revert to their substantive posts either for proceeding on privilege leave or for a temporary leave vacancy not being available ?

Mr. A. A. L. Parsons : (*a*) Three years.

(*b*) Probationers have no prescriptive right to confirmation in permanent vacancies and their existence in no way interferes with the rule that 20 per cent. of the vacancies open to persons of Asiatic domicile will be filled by the promotion of subordinates.

(*c*) No.

(*d*) If a subordinate on the Great Indian Peninsula Railway is reverted from a superior post to his substantive post he then draws the pay of the latter post. At present when such a subordinate goes on leave after officiating in a superior post, his leave pay is regulated by the pay of his substantive post, but the question of altering this rule is being considered.

PRESENT SCALE OF PAY OF THE TICKET-PRINTING STAFF ATTACHED TO THE OFFICE OF THE CHIEF AUDITOR, GREAT INDIAN PENINSULA RAILWAY.

696. ***Mr. N. M. Joshi** : Will Government be pleased to state

(*a*) the present scale of pay of the ticket-printing staff attached to the Chief Auditor's Office :

(*b*) whether they are given leave, holiday and provident fund privileges on the lines of other clerical staff of the office :

(*c*) whether the staff on transfer from Victoria Terminus to Byculla have been allotted insanitary, dark and less amount of space in the office of the Head Printer, Byculla : and

(*d*) whether Government have received a representation from the members of the staff regarding (*a*), (*b*), and (*c*) and if so, what action Government have taken or propose to take ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : With your permission, Sir, I propose to answer questions 696, 698, 699 and 705 together.

Enquiries are being made and the information will be supplied to the Honourable Member in due course.

GRANT OF LEAVE AND PROVIDENT FUND PRIVILEGES TO THE MENIAL STAFF EMPLOYED IN THE VARIOUS ADMINISTRATIVE OFFICES OF THE GREAT INDIAN PENINSULA RAILWAY IN BOMBAY.

697. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether the menial staff on the permanent establishment, such as sepoys and *hamals*, employed in the various administrative offices of the Great Indian Peninsula Railway in Bombay are granted leave and provident fund privileges ? If not, why not ?

(*b*) Have Government received any representation regarding the inadequacy of their present scale of pay and, if so, what action have Government taken or propose to take in the matter ?

(*c*) If not, why not ?

Mr. A. A. L. Parsons : (*a*) Menial Staff, who were previously in the service of the Great Indian Peninsula Railway Company, are required to subscribe to the Provident Fund if drawing Rs. 30 or over. Other menial staff are not entitled, or required, to subscribe to the Provident Fund. Fifteen days' leave a year is granted to all permanently employed menial staff who have completed one year's service.

(*b*) No.

(*c*) Does not arise.

Mr. N. M. Joshi : May I ask why the menials who receive less than Rs. 30 are not asked to contribute to the Provident Fund ?

Mr. A. A. L. Parsons : I believe, Sir, that Rs. 30 is the general limit at present, but the question of revising that limit is under consideration.

EMPLOYMENT OF RELIEVING STAFF ON THE PERMANENT ESTABLISHMENT OF THE OFFICE OF THE CHIEF AUDITOR, GREAT INDIAN PENINSULA RAILWAY.

†698. ***Mr. N. M. Joshi** : (*a*) What relieving staff, if any, is at present employed on the permanent establishment of the Chief Auditor's office, Great Indian Peninsula Railway ?

(*b*) If the answer to (*a*) be in the negative, do Government propose to sanction the employment of such staff to enable the employees in general to avail themselves of the leave privileges ? If not, why not ?

†For answer to this question, see answer to question No. 696.

PAY OF THE SUBORDINATE STAFF OF THE OFFICE OF THE CHIEF AUDITOR, GREAT INDIAN PENINSULA RAILWAY.

†699. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state the present scale of pay of the subordinate staff of the Chief Auditor's office, Great Indian Peninsula Railway ?

(*b*) Is it a fact that the starting salary of a clerk in the Government offices in Bombay other than those of the Railway, is Rs. 60, whereas in the Chief Auditor's office it is Rs. 40 ?

(*c*) Have Government received any representation from the staff of the Chief Auditor's office (Great Indian Peninsula Railway) for the introduction of a time scale of pay and what action have Government taken in the matter, or propose to take in the matter ? If not, why not ?

NEW LEAVE RULES FOR SUBORDINATES ON RAILWAYS.

700. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether it is a fact that the Government in reply to starred question No. 863 of the 11th March 1927 stated "they hoped the new leave rules for railway subordinates will be got out before the end of 1927 " ?

(*b*) Is it a fact that they have not been introduced as yet ?

(*c*) Is it a fact that the question of revised rules has been under consideration of the Government since 1923 ?

(*d*) Will Government be pleased to state when the new leave rules will be got out and introduced ?

Mr. A. A. L. Parsons : I regret there is nothing I can add at present to the reply I gave in February last to the same questions of the Honourable Member except that Government are endeavouring to find a solution in regard to the leave rules for subordinates on the East Indian and Great Indian Peninsula Railways apart from the general question of revising the leave rules of all Railways.

TRANSFER OF MEN FROM THE OFFICE OF THE CHIEF AUDITOR, GREAT INDIAN PENINSULA RAILWAY TO THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

701. ***Mr. N. M. Joshi** : (*a*) How many men have been transferred from the Chief Auditor's Office, Great Indian Peninsula Railway, to the Railway Clearing Accounts Office, Delhi ?

(*b*) Is it a fact that the actual number of staff required for the transferred work was not taken over by the Clearing Accounts office and that some men were locally engaged by the Director ?

(*c*) If the answer to (*b*) be in the affirmative, what is the number of men locally engaged ?

(*d*) Is it a fact that on account of the staff referred to in (*c*) having been engaged by the Clearing Office, the permanent staff of the Chief Auditor's office is being reduced in proportion ?

Mr. A. A. L. Parsons : (*a*) 160.

(*b*) Steps had been taken by the Great Indian Peninsula Railway for some time past to keep temporary vacancies unfilled and so reduce the

†For answer to this question, see answer to question No. 696.

actual number of men to be transferred to Delhi, with the result that out of 224 vacancies, only 160 men were transferred. The rest were locally engaged by the Director.

(c) 64.

(d) A corresponding number of posts in the Great Indian Peninsula Railway have been brought under reduction, but, so far as I am aware, no permanent employee has been discharged on this account.

ESTABLISHMENT OF A BRANCH RAILWAY CLEARING ACCOUNTS OFFICE IN MADRAS.

702. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that a branch of the Railway Clearing Accounts Office, Delhi, is proposed to be established shortly in Madras ?

(b) Do Government propose to open branches of that office in Bombay, Calcutta and Lucknow ? If not, why not ?

Mr. A. A. L. Parsons : (a) The Railways in Southern India are considering the establishment of a branch Railway Clearing Accounts Office in Madras and I think it is probable that this will be done.

(b) No. In a speech which I made on the 27th of February 1928 on a motion made by Maulvi Muhammad Yakub during the course of the Railway Budget I explained that full advantage of a Clearing Accounts Office is not obtained until the work is concentrated in one central place but the length of time which it would take to send documents from the Railways in Southern India to Delhi makes it desirable to establish a branch of the office there.

CENTRALISATION OF THE LOCAL AUDIT OFFICES OF STATE RAILWAYS.

703. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that they propose to centralise the Local Audit Offices of the State Railways, and if so, when and at what place ?

(b) Are Government aware that the proposal involves the transfer of a large number of staff from the respective offices and consequent inconvenience and hardship to them ? Do Government propose to compensate such staff for the same and how ?

Mr. A. A. L. Parsons : (a) There are proposals to this effect, but it has been decided to postpone them for the time being until they can be further discussed in the Standing Finance Committee for Railways.

(b) The proposals will involve the transfer of a certain number of clerks from other offices, but the conditions on which such transfers will be made if the proposals are adopted will be carefully considered.

GRANT OF CONCESSIONS TO THE STAFF OF THE STATE RAILWAYS AUDIT OFFICES TRANSFERRED TO THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

704. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that Government had granted a bonus of two months' pay, subject to a maximum of Rs. two hundred, among other concessions to the clerical staff of the offices transferred from Calcutta to Delhi, *viz.*, the offices of the Accountant General, Central Revenues, the Accountant General, Posts and Telegraphs, and the Director General, Posts and Telegraphs, in 1925 and 1926 ?

(b) Is it a fact that this concession was not granted to the staff of the State Railways Audit Offices transferred to the Clearing Accounts Office, Delhi, although prayed for ?

(c) If the answer to part (b) be in the affirmative, do Government propose to consider their decision in the matter ? If not, why not ?

Mr. A. A. L. Parsons : (a) Yes.

(b) Yes.

(c) No. Government consider that the concessions already granted are adequate.

APPOINTMENT OF MR. J. METHAIS, AN ANGLO-INDIAN, AS AN AUDIT INSPECTOR IN THE OFFICE OF THE CHIEF AUDITOR, GREAT INDIAN PENINSULA RAILWAY.

†705. *Mr. N. M. Joshi : (a) Will Government be pleased to state whether it is a fact that one Mr. J. Methais, an Anglo-Indian, was appointed as an Audit Inspector in the Chief Auditor's Office in 1925 ?

(b) Is it a fact that as a result of serious complaints from the Divisional Officers of the Great Indian Peninsula and Madras and Southern Mahratta Railways against him and further on account of misconduct he was degraded and allowed to remain as a clerk in 1926 ?

(c) Is it a fact that after some time he was twice promoted to higher grades in supersession of several capable Indian subordinates despite his bad record ?

(d) If the answer to part (c) be in the affirmative, do Government propose to put a stop to this ?

DISMISSAL OR DISCHARGE OF EMPLOYEES OF THE BENGAL AND NORTH WESTERN RAILWAY.

706 *Mr. N. M. Joshi : (a) Will Government be pleased to state if it is a fact that on the Bengal and North Western Railway when any railway servant is dismissed or discharged no reason for his dismissal or discharge is communicated to him ?

(b) If the answer to (a) be in the affirmative, will they be pleased to state the reason for it ?

Mr. A. A. L. Parsons : (a) and (b). No employee is dismissed or discharged on the Bengal and North Western Railway, without enquiry or the sanction of a senior official and without his being made aware of the reasons.

In certain cases in the interests of the men themselves the reasons are not entered on their certificates.

Mr. Gaya Prasad Singh : Are Government aware that no definite rules are prescribed on the Bengal and North Western Railway for proper representation of individual grievances of railway servants ?

Mr. A. A. L. Parsons : No, Sir.

†For answer to this question, see answer to question No. 696.

SUPPLY TO EMPLOYEES OF THE BENGAL AND NORTH WESTERN RAILWAY OF THEIR SERVICE AGREEMENTS.

707 ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state if the railway servants on the Bengal and North Western Railway are supplied with a copy of the service agreement bond they execute with the Railway ?

(*b*) If the answer to (*a*) be in the negative, will they be pleased to state if they propose to do so ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) There is no objection to an employee being supplied with a copy of his service agreement should he desire it.

ABOLITION OF THE EXISTING TRAINING SCHOOLS AT LOVEDALE AND COONOOR.

708 ***Mr. N. M. Joshi** : Will Government be pleased to state whether they have issued orders to the Postmaster General, Madras Circle, abolishing the existing training schools at Lovedale and Coonoor ? If so, from what date ?

The Honourable Mr. A. C. McWatters : With your permission, Sir, I shall answer questions, 708 and 709 together. Orders have been issued terminating the existing agreements between these schools and the Posts and Telegraphs Department with effect from the 1st September 1929. On receipt of a representation from the Postmaster-General, Madras, that the special courses of training for recruits for the Telegraph Department terminated at these Schools in December and September respectively, an extension of time has been allowed in the case of the Coonoor School up to the middle of September 1929 and in the case of the Lovedale School up to the end of December 1929.

EXTENSION OF TIME FOR THE TERMINATION OF THE AGREEMENTS WITH THE TRAINING SCHOOLS AT LOVEDALE AND COONOOR.

†709. ***Mr. N. M. Joshi** : (*a*) Will Government be pleased to state whether they have received any communication from the Postmaster General, Madras Circle, recommending to the Director General extension for the training schools at Lovedale and Coonoor ?

(*b*) If the answer to the above be in the affirmative, will Government be pleased to state on what grounds the Head of the Circle has recommended their extension ?

RECOMMENDATIONS OF THE LEE COMMISSION RELATING TO APPOINTMENTS TO THE INDIAN CIVIL SERVICE BY PROMOTIONS FROM PROVINCIAL SERVICES.

710. ***Mr. K. C. Neogy** : (*a*) With reference to the unanimous recommendation made by the Lee Commission that the rate of promotion from the Provincial Civil Services to the Superior Civil Service appointments should be increased, and that " 20 per cent. of the recruits should be obtained from that source in future ", will Government be pleased to state, on the basis of the latest figures available, as to how far this recommendation has been given

†For answer to this question, see answer to question No. 708.

effect to in each province, and to what extent the position of the Judicial and Executive branches, respectively, of the Provincial Civil Service in each province has improved in comparison with the position that obtained previous to the said recommendation ?

(*b*) If full effect has not yet been given to the said recommendation, will Government be pleased to state the reasons therefor, and their future intentions in the matter ?

(*c*) Have Government received any representations from members of the Provincial Civil Services on this matter ; and if so, what action has been taken thereon ?

The Honourable Mr. J. Crerar : (*a*) I lay on the table a statement which gives the information required.

(*b*) I would refer the Honourable Member to the reply given by my predecessor to part (*c*) of his question of the 24th March 1926.

(*c*) The only representation that Government have received on the subject is one submitted by the Bengal Civil Service (Judicial) Association in 1926. It was duly taken into consideration in settling the programme to be followed in increasing the number of listed posts in the Bengal Presidency, and as a result it was decided to fill by promotion of members of the Bengal Civil Service (Judicial) all the posts which remained to be listed on the Judicial side in that Presidency.

Provinces.	No. of posts on 1st July 1923. (*a*)				No. of posts on 1st September 1928.				Total No. of posts (executive and judicial) to be filled from the P. C. S. and the Bar within 15 years from 1st April 1924.	Remarks.
	Executive.	Judicial. Held by members of the P.C.S.	Judicial. Filled from the Bar.	Total.	Executive.	Judicial. Held by members of the P. C. S.	Judicial. Filled from the Bar.	Total.		
Madras ..	5	5	2	12	7	4	4	15	21	(*a*) Except in the case of the Madras Presidency, figures for which have been taken from the Civil List for 1st January 1923.
Bombay ..	3	3 (*d*)	..	6	4	4 (*d*)	2	10	18	
Bengal ..	6	5	1	12	6	7	4	17	22	
United Provinces	4	7	1	12	7	7	1	15	25	
Punjab ..	5	4	2	11	7	5	2	14	18	(*c*) No separate judicial cadre.
Burma ..	4	4	2	10	9	4	3	16	19	
Bihar and Orissa	5	2	1	8	5	2	1	8	13	(*d*) Including one for Assam.
Central Provinces	3	4 (*c*)	..	7	5	4 (*c*)	..	9	12	
Assam ..	2	..	..	2	3	..	..	3	5	
Total ..	37	34	9	80	53	37	17	107	153	

APPOINTMENT OF HIGH COURT JUDGES FROM THE RANKS OF THE PROVINCIAL CIVIL SERVICE.

711 ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state their policy in regard to the appointment of High Court Judges from the ranks of the Provincial Civil Service, in the different provinces ?

(*b*) How many Judgeships in the Calcutta High Court have been conferred on members of the Provincial Civil Service so far, and for what period in each case ?

(*c*) Is it a fact that in some other High Courts the claims of the Provincial Civil Service to Judgeships have received better recognition ?

(*d*) Has the question of conferring at least one permanent Judgeship in the Calcutta High Court on members of the Provincial Civil Service, ever been considered by Government ? If so, when and with what result ?

The Honourable Mr. J. Crerar : (*a*) The Honourable Member is referred to the answer given in this House to Mr. Goswami's question, printed on page 663 of Volume IV of the Assembly Debates of 18th February 1924.

(*b*) Four, so far as we have been able to ascertain from our records. One in 1883 for a short period ; one in 1913 for 5 months and 4 days ; one in 1920 for one month ; and one this year for 3 months and 24 days.

(*c*) There are Judges appointed from the Provincial Service in the Madras, Allahabad, Lahore and Rangoon High Courts.

(*d*) Permanent appointments to the High Court are made by His Majesty under section 101 of the Government of India Act. The main consideration is efficiency, as is stated in the reply I have quoted. Subject to this, the claims of members of the judicial branch of the Bengal Civil Service no less than those of members of other classes from which High Court Judges are recruited receive due consideration.

SHORTAGE OF OFFICERS IN THE INDIAN MEDICAL SERVICE.

712 ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will Government be pleased to inform this House if the I. M. S. cadre is under strength ?

(*b*) If the answer to (*a*) is in the affirmative—

(*i*) To what extent would this shortage of officers affect the medical needs of the Indian Army in the event of its mobilisation ?

(*ii*) What steps are Government taking to remedy the situation both in India and England ?

Mr. G. M. Young : (*a*) Yes, Sir.

(*b*) (*i*) The shortage has been made up by enlisting the services of temporary commissioned medical officers who would be available on mobilization.

(*ii*) Every endeavour is being made to stimulate recruitment and bring the service up to strength.

ADMISSION OF MEMBERS OF THE INDIAN MEDICAL DEPARTMENT TO THE INDIAN MEDICAL SERVICE.

713 ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Is it a fact that suitable candidates are not procurable in England for the I. M. S. ?

(*b*) If this is so, do Government propose to consider, in addition to any other measures, the advisability of filling up a certain number of these vacancies by admitting British qualified members of the I. M. D., allowing certain war service concessions for those who are slightly over the maximum age ?

Mr. G. M. Young : (*a*) At the present moment suitable candidates are not forthcoming in sufficient numbers.

(*b*) The selection of candidates for permanent commissions in the Indian Medical Service is made by Selection Boards in England and India. For some years it has been open to members of the Indian Medical Department at any time before they reach the age limit to apply for appointment to the Indian Medical Service. Several of them have done so and have been appointed.

DIFFICULTY IN SUPPLYING THE CIVIL MEDICAL DEPARTMENT WITH OFFICERS FROM THE MILITARY BRANCH OF THE INDIAN MEDICAL SERVICE.

714. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Is it a fact that owing to the cadre of the I. M. S. being under strength the Director, Medical Services, India, is unable to supply officers from the Military Branch of the I. M. S. to filll about 40 vacancies in the Civil Medical Department ?

(*b*) If so, what action do Government intend to take to remedy the position ?

Mr. G. M. Young : (*a*) It is true that the military authorities are finding it increasingly difficult to supply the full requirements of the Civil Department in the way of European I. M. S. officers, but I do not think that the shortage amounts to as many as 40.

(*b*) I would refer the Honourable Member to the reply I have given to part (*b*) (*ii*) of his question No. 712.

SHORTAGE OF OFFICERS IN THE INDIAN MEDICAL DEPARTMENT.

715. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Is it a fact that I. M. D. cadre is much under strength ? If so, to what extent and how would this affect the medical needs of the British Army in the event of its mobilisation ?

(*b*) If the answer to the first part of (*a*) is in the affirmative, what action do Government propose to take to remedy the situation ?

Mr. G. M. Young : (*a*) No, Sir. The Assistant Surgeons' Branch of the Indian Medical Department is at present up to full strength. The remaining part of the question does not arise.

(*b*) The question does not arise.

Lieut.-Colonel H. A. J. Gidney : Does the full strength include the leave reserve ?

Mr. G. M. Young : The cadre is up to its full strength.

SHORTAGE OF OFFICERS IN THE INDIAN MEDICAL DEPARTMENT.

716. *Lieutenant-Colonel H. A. J. Gidney : (*a*) Is it a fact that owing to the Department being under strength the Director, Medical Services, India, has had to refuse the services of many Military Assistant Surgeons to supply the pressing civil needs of various Provinces, in the Railways, Civil Medical Services and the Jail Department ?

(*b*) If this is so, what steps do Government intend taking to remedy the position and, are they prepared again to advertise for the re-employment of suitable axed and ex-I. M. D. men ?

Mr. G. M. Young : (*a*) As I have just stated, the Department as a whole is not under strength. At the present moment the number of Assistant Surgeons in military employ is just short of requirements, and the Civil Departments therefore have rather more than their share.

(*b*) Does not arise. But I may add for the information of the Honourable Member that suitable ex-officers of the Indian Medical Department are being re-employed where necessary.

EDUCATIONAL QUALIFICATIONS FOR ADMISSION INTO THE INDIAN MEDICAL DEPARTMENT.

717. *Lieutenant-Colonel H. A. J. Gidney : (*a*) Is it a fact that in accepting the Senior Cambridge educational qualification for admission into the I. M. D., Government demand that such students must have obtained a credit pass in English, mathematics and a classical language ?

(*b*) If the answer to (*a*) is in the affirmative, will Government state if it is a fact that no such special knowledge, particularly in a classical language, is required from a candidate who has passed the I. A. or I. Sc. examination ?

(*c*) If this is so, do Government propose to reconsider the situation and accept Senior Cambridge passed candidates who have not obtained these credit passes ?

Mr. G. M. Young : (*a*) A credit pass in these subjects is demanded by the examining bodies.

(*b*) A pass with credit in any of the subjects mentioned in part (*a*) is not essential for candidates who possess Intermediate Science qualifications. A pass in the Intermediate Arts Examination is not sufficient for admission to the Indian Medical Department.

(*c*) The standard of preliminary educational qualifications is not fixed by Government but by the examining bodies, that is to say, the State Medical Faculty of Bengal and the Board of Examiners, Madras.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly address the examining body or college and ask them to accept the Senior Cambridge pass, in view of the fact that credits in these subjects are not required for the higher Degrees, *e.g.*, I. A. and I. Sc.

Mr. G. M. Young : I will convey this question and answer, as well as the Honourable Member's supplementary question, to the examining bodies.

EMPLOYMENT OF ASSISTANT SURGEONS WITH BRITISH MEDICAL QUALIFICATIONS AS MEDICAL OFFICERS OF BRITISH STATION HOSPITALS.

718. *Lieutenant-Colonel H. A. J. Gidney : Will Government state whether in 1926-27, the Director, Medical Services, India, issued order to the various Commands, requesting Officers Commanding British Station Hospitals, to utilise the services of the British qualified Military Assistant Surgeons of the I. M. D. as Medical Officers of these Hospitals ? If so, has this order been carried out and to what extent ? If not, why not ?

Mr. G. M. Young : There were no definite orders on the subject but a circular was issued in May 1926 suggesting that Assistant Surgeons with British medical qualifications should be employed on such duties as would permit of the fullest use of their professional attainments. There are at present 12 Assistant Surgeons with British qualifications in military employ and they are all employed in posts suitable to their qualifications.

Lieut.-Colonel H. A. J. Gidney : May I enquire what precisely those posts are ?

Mr. G. M. Young : I am informed that one of these Assistant Surgeons is in charge of the Military Hospital at Purandhar, four are attached to British Military Hospitals, and the others are in special appointments, *e.g.*, factories, arsenals, etc.

Lieut.-Colonel H. A. J. Gidney : Are those appointments usually held by medical officers of the R. A. M. C. ?

Mr. G. M. Young : I am afraid I must ask for notice of that question.

ADMISSION OF ASSISTANT SURGEONS WITH BRITISH MEDICAL QUALIFICATIONS INTO PROVINCIAL CIVIL MEDICAL SERVICES.

719. *Lieutenant-Colonel H. A. J. Gidney : (*a*) In view of the fact that certain Provinces have closed their doors to the employment of I. M. D. men in their Civil Medical Services, will Government inform this House whether this exclusion is a post-reform measure and is the result of Indianisation about which Resolutions were passed by Provincial Legislatures ?

(*b*) If so, do Government propose to address the Provincial Governments with a view to their consenting to receive British qualified Military Assistant Surgeons into their Civil Medical Services ?

Mr. G. M. Young : (*a*) The Government of India understand that only one Local Government has decided not to employ Indian Medical Department officers in its provincial medical service in future. Some Local Governments have decided to reduce the number of posts previously reserved for Indian Medical Department officers, but such reduction is to be effected gradually and the rights of officers already in provincial employ are, so far as possible, to be safeguarded.

(*b*) As the Honourable Member will gather from the answer to the first part of this question, the Government of India have been in correspondence with Local Governments on the subject. The matter is, however, entirely within the discretion of Local Governments.

Lieut.-Colonel H. A. J. Gidney : The Honourable Member has stated that there is only one Provincial Government which has closed its doors to the employment of Indian Medical Department for provin-

cial medical employ, whereas I understand that two Provincial Governments have done so and more are to follow. Would the Honourable Member kindly enquire whether the Punjab Government and also the United Provinces Government have closed their doors to the employment of Indian Medical Department officers in their respective provincial medical services ?

Mr. G. M. Young : The two Governments mentioned by my Honourable friend have not reached a definite decision with regard to this matter. So far as the Government of India are aware, only one Provincial Government has decided not to employ Indian Medical Department officers in its provincial medical service in future.

Pandit Hirday Nath Kunzru : I understand that the United Provinces Government decided long ago not to recruit any more Indian Medical Department officers to their civil medical service.

Mr. G. M. Young : So far as I am aware that decision has not been conveyed to the Government of India.

Pandit Hirday Nath Kunzru : Are Government aware that the Minister of Local Self-government announced in the United Provinces Council in 1922 or 1923 that the Government of India had agreed not to compel Local Governments to take in I. M. D. officers for appointment as Civil Surgeons and to posts of the same standard.

Mr. G. S. Bajpai : With your permission, Sir, I shall answer that question. My Honourable friend is absolutely correct in stating that the Minister for Local Self-Government announced, I think it was in 1922, in the United Provinces Council that the Government of India agreed not to compel Local Governments to employ any more I. M. D. officers, but I understand that they have not decided not to take I. M. D. officers on their own initiative if they choose to do so in future.

Pandit Hirday Nath Kunzru : Are Government aware that Pandit Jagat Narain said that while the rights of the existing I. M. D. men in the civil medical service would be respected in future, no more I. M. D. men would be recruited ?

Mr. G. S. Bajpai : The position is that the Local Government do not accept the position that the Government of India should compel them not to employ any more I. M. D. officers. As far as Pandit Jagat Narain's statement is concerned, namely, committing the United Provinces Government not to employ any more I. M. D. officers in future I am not in a position to say anything about that.

Lieut.-Colonel H. A. J. Gidney : With reference to his reply, will the Honourable Member please state whether such inactivity on the part of the Government of India is or is not contrary to the Instrument of Instructions contained in the Government of India Act of 1919 and contrary to paragraph 346 of the Montford Report, *i.e.*, the protection of minority communities, *e.g.*, the employment of the I. M. D. in these two provinces, and if so, will the Government of India be so good as to address the Provincial Governments on this matter ?

Mr. G. S. Bajpai : I have not followed the Honourable Member's question, but I do not see how the protection of minority communities interests arise in this case.

Pandit Hirday Nath Kunzru : With reference to the question of racial discrimination, are Government aware that Indians are not admitted into the Indian Medical Department ?

(No reply.)

Pandit Hirday Nath Kunzru : The Honourable the Army Secretary stated that the Government of India were in correspondence with the Local Governments in regard to the employment of Indian Medical Department officers in civil employ. Is it intended to compel any Local Government to employ officers of the I. M. D. in higher civil medical posts ?

Mr. G. S. Bajpai : I think I can state that the Government of India have no intention of compelling any Local Government to employ any I. M. D. officers if they do not wish to.

Mr. G. M. Young : I should like to answer that question, also. If the Honourable Member had listened to my previous answer he would not have put it. I did not say that the Government of India were in correspondence with Local Governments with regard to their employment of I. M. D. officers in civil posts. What I said was, " As the Honourable Member will gather from the answer to the first part of this question, the Government of India have been in correspondence with Local Governments on the subject. The matter is, however, entirely within the discretion of Local Governments."

PUBLICATION OF THE NEEDHAM REPORT ON THE RAILWAY MEDICAL SERVICE.

720. ***Lieutenant-Colonel H. A. J. Gidney :** Will Government please state whether and when it proposes to publish the Needham Report on the Railway Medical Service ?

Mr. A. A. L. Parsons : The Report is a purely departmental publication, and it is not intended to publish it.

Lieutenant-Col. H. A. J. Gidney : May I ask the Honourable Member why the report has not been published ?

Mr. A. A. L. Parsons : Because it is a purely departmental publication.

Lieutenant-Col. H. A. J. Gidney : May I ask the Honourable Member whether the Legislative Assembly has not voted the expenses in connection with that report ?

Mr. A. A. L. Parsons : I assume that is so, but it does not necessarily follow that the report should be published.

PRESENT STRENGTH OF THE INDIAN ARMY NURSING SERVICE.

721. ***Lieutenant-Colonel H. A. J. Gidney :** (*a*) Will Government please inform this House of the present strength of the Indian Army Nursing Service and if it is adequate for the needs of the Army in the event of its mobilisation ?

(*b*) How many nurses were admitted into it during the years 1926-27 ?

(*c*) Is it the intention of Government to increase the cadre of this Service ?

Mr. G. M. Young : (*a*). 55. This number represents the total strength of the peace establishment, and is not intended to meet the full needs of the Army on mobilization.

(*b*) 18.

(*c*) No, Sir, but Government are considering the question of raising a reserve of nurses in India.

INFORMATION RELATING TO DETAILS OF EXPENSES REQUIRED BY THE INCOME-TAX AUTHORITIES FROM ASSESSEES.

722. ***Mr. H. G. Cocke :** (*a*) Are Government aware of the growing practice of the Income-tax authorities to require assessees, taxable under the head " Business ", to give details of their expenses, such as interest, brokerage, commission, etc., to the extent of requiring them to supply the names and addresses of the recipients of such interest, brokerage, etc., and the amounts paid to each, with the admitted object of enabling such third parties to be assessed for income which otherwise might escape assessment ?

(*b*) Under what section of the Act are such details called for ?

(*c*) Do Government propose to issue instructions that where information as to names and addresses are refused by the assessee, the expense will still be allowed as a business deduction, if satisfied otherwise that it has been genuinely incurred ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) So far as relates to payments of commission, and the like, which fall within the definition of " Salaries ", the practice described is necessary in order to secure the observance of the provisions of section 21 of the Indian Income-tax Act, 1922. So far as relates to payments such as interest, which, when received by the payee, do not fall within the definition of " Salaries ", but which the Income-tax Officer has to examine in connection with the grant of business deductions in the assessment of the original assessees, the Government of India have no information as to the existence of the practice described, and whether, if it exists, it is a growing practice ; but they will call for reports upon the subject from the Commissioners of Income-tax.

(*b*) The Honourable Member is referred to sections 21, 22 (4), 23 (2) and 37 of the Indian Income-tax Act ; and

(*c*) The Government of India will consider whether it is necessary to issue any instructions when they have received the reports referred to in my answer to part (*a*).

Mr. Vidya Sagar Pandya : I am sorry I have not been able to follow the answer to the first part. Will the Honourable Member kindly repeat his answer to the first part ?

The Honourable Sir Bhupendra Nath Mitra : My Honourable friend will be able to follow it when he sees it in print later on in the official debates.

ADMISSION OF INDIAN BOYS INTO THE RAILWAY ENGINEERING SERVICE.

723. ***Mr. Sarabhai Nemchand Haji :** (*a*) Have any complaints been received by Government regarding rules for admission of Indian boys into the Railway Engineering Service ?

(*b*) Is it a fact, that the Public Service Commission requires that the candidate should have passed in their Science examination before completing 20 years ?

(*c*) Is it a fact that the age of candidates is calculated from 1st January of any particular year ?

(*d*) Are Government aware that the results of University examinations in India are declared in the months of May and June ? If so, are Government aware of hardships to candidates caused by their passing examinations in May and their competitive age being calculated from January ?

(*e*) Do Government propose to take necessary step to remove the anomaly prevailing now ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) and (*c*). Under the rules candidates for the Mechanical Engineering, Transportation (Power) and Electrical Engineering Departments must be under 19 years of age on the 1st of January of the year in which the selection is to be made.

(*d*) and (*e*). Government are not aware that the present date for calculating the age for this purpose causes any hardship, but they will obtain the advice of the Public Service Commission.

DETENTION OF THE 19 UP AND 20 DOWN EXPRESS TRAINS AT PATUANDA MAHABIRA ROAD STATION.

724. ***Mr. Sarabhai Nemchand Haji :** (*a*) Are Government aware that Patuanda Mahabira Road railway station is a great pilgrimage centre for the Jains ?

(*b*) Is it a fact that the Bombay, Baroda and Central India Railway authorities have up till now refused to stop the 19 Up and 20 Down Express trains at that station during the Mela Week about the month of April on the ground that these trains " are intended for people making long journeys who require quick transit " ?

(*c*) If the answers to part (*b*) are in the affirmative, do Government propose to take the necessary action to afford all conveniences to those pilgrims who proceed to the above station during the Mela period ?

(*d*) If the answer to (*c*) is in the affirmative, do Government propose to issue orders to the railway authorities to detain the 19 Up and 20 Down Express trains for three minutes to enable passengers destined for Patuanda to alight there, and to make that detention permanent ?

Mr. A. A. L. Parsons : (*a*) Patuanda is a pilgrim centre. From the latest information in the possession of Government (which is not, however, very recent) it attracts between 5,000 and 6,000 pilgrims.

(*b*), (*c*) and (*d*). When this matter was last raised by a question in this House in 1924, it was ascertained that the railway administration had stopped 19 Up and 20 Down Express trains during the period of the annual gathering in order to enable passengers to alight. Government have not heard that this arrangement has been terminated, but have enquired from the Agent of the Bombay, Baroda and Central India Railway, and will let the Honourable Member know what the

present position is. For the reason mentioned by the Honourable Member in part (*b*) of his question, they are not prepared to press the railway administration to stop these trains at Patuanda except during the Mela period.

EFFECT OF THE INDIAN TARIFF (COTTON YARN AMENDMENT) ACT ON THE HANDLOOM INDUSTRY.

725. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state whether they addressed the Provincial Governments desiring them to have special inquiries instituted as to the actual effect of the increase that was made last autumn in the import duty on certain counts of cotton yarn, upon the handloom industry, in accordance with the recommendation of the Select Committee on the Indian Tariff (Cotton Yarn Amendment) Bill of 1927 ?

(*b*) If so, will Government be pleased to lay on the table the reports, which they may have received on the subject from the Provincial Governments ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) A copy of the replies so far received will be placed in the Library.

SCHEME FOR A PROVINCIAL HOSPITAL AT PESHAWAR.

726. ***Dr. B. S. Moonje** : (*a*) Are Government aware of a scheme for a provincial hospital at Peshawar for the North-West Frontier Province ?

(*b*) If so, how far has the scheme been completed and how much of it is yet incomplete ?

(*c*) So far what donations, if any, have been made for the scheme by the people and the Municipalities of the Province, the Provincial Government and the Government of India ?

(*d*) What amount has been so far spent on the buildings and what more is estimated to be required for the completion of the scheme ?

The Honourable Mr. J. Crerar : (*a*) Yes, Sir.

(*b*) and (*d*). The total cost of the building scheme is Rs. 8 lakhs, of which work to the extent of Rs. 5,64,000 has been completed.

(*c*) The grants up to date are—

	Rs.
Peshawar Municipality	3,10,000
Central Revenues	2,50,000
Public subscriptions	1,31,646
Lord and Lady Reading	50,000
	7,41,646

GRANTS MADE BY THE LOCAL GOVERNMENT AND THE GOVERNMENT OF INDIA TOWARDS THE COMPLETION OF THE PROVINCIAL HOSPITAL AT PESHAWAR.

727. ***Dr. B. S. Moonje** : (*a*) What grant, if any, has been made by the Local Government and the Government of India towards the completion of the North-West Frontier provincial hospital building scheme during last year ?

(*b*) What grant, if any, do Government propose to make in the next year's Budget ?

The Honourable Mr. J. Crerar : (*a*) Rs. 2,50,000 up to date.

(*b*) Is under consideration.

ANNUAL AMOUNT REQUIRED FOR THE MAINTENANCE OF THE PROVINCIAL HOSPITAL AT PESHAWAR.

728. ***Dr. B. S. Moonje** : (*a*) What is the estimated annual amount required for the maintenance of the provincial hospital at Peshawar ?

(*b*) What portions of it are contributed annually by the Provincial Municipalities, the Provincial Government and the Government of India ?

The Honourable Mr. J. Crerar : Rs. 63,000, of which the Peshawar Municipality pay Rs. 43,000 and Government pay the rest. Maintenance charges will be considerably more when the scheme is completed.

DONATION BY THE GOVERNMENT OF INDIA TO THE PROVINCIAL HOSPITAL AT PESHAWAR.

729. ***Dr. B. S. Moonje** : (*a*) Are the Government of India prepared to make a fresh donation towards the completion of the provincial hospital buildings at Peshawar and also increase its yearly grant to make up a substantial portion of the deficit in the maintenance charges ?

(*b*) Are Government aware of the fact that this hospital is likely to be greatly taken advantage of by the trans-frontier border tribes and to serve as a great humanising institution ?

(*c*) Is it not true that there is no hospital accommodation in Peshawar for middle and upper class Indians ?

The Honourable Mr. J. Crerar : (*a*) Is under consideration.

(*b*) Government are fully aware.

(*c*) Yes, Sir. Hospital accommodation for middle and upper class Indians is however provided in the new hospital under construction.

CODIFICATION OF THE HINDU LAW.

730. ***Sir Hari Singh Gour** : With reference to the recommendation of the Select Committee appointed to report on the Hindu Coparcener's Liability Bill, and a similar recommendation made in two Resolutions passed by the Legislative Assembly and the Council of State and embodied in the Report of the Civil Justice Committee, will Government be pleased to state what action they have taken or propose to take to give effect to these recommendations for the codification of the Hindu Law ?

Mr. A. A. L. Parsons : I regret that this information is not procurable. Instructions have been issued to all State-managed Railways that no indents for cotton and hair beltings are to be sent abroad unless tenders have first been invited in India.

FREIGHT RATES CHARGED ON REVENUE ACCOUNT FOR FUEL, STORES, ETC., ON STATE-MANAGED RAILWAYS.

735. *Mr. Mukhtar Singh : (*a*) Are the freight rates charged on Revenue account for fuel, stores, etc., on the Government-managed Railways the same as charged from the public for similar articles ? If there is any difference, will the Government be pleased to state the reasons as to why the difference is maintained ?

(*b*) Do the special rates allowed in the days of scarcity of fodder cover the cost of the Railways or are the rates charged less than the cost incurred by the Railways ?

If it covers the cost, will there be any difficulty to reduce the railway rates for all times on fodder ?

(*c*) Is there any difference in the freight rates of oil cakes used for cattle food and oil cakes used for manure ? If both the sorts of cakes are charged the same rates, do Government propose to reduce the freight rates on castor, *mhowa*, sunflower and *nim* cakes ?

Mr. A. A. L. Parsons : (*a*) The answer to the first part of the question is in the negative. Railway stores are carried at a rate which is intended to represent as nearly as possible the actual cost of transportation.

(*b*) I am afraid I am unable to give the Honourable Member an exact answer, but the ordinary charge for fodder is 3 annas 6 pies per mile per four-wheeler broad gauge wagon. In times of scarcity the concession rate paid by the consignor is 1 anna per four-wheeler broad gauge wagon, the difference of 2 annas and 6 pies is paid to railways by the Provincial Governments concerned.

(*c*) The answer to the first part of the question is in the negative. With regard to the second part I must point out to the Honourable Member that the rates for these articles are fixed by the Indian Railway Conference Association and not by Government, but if they are higher than those for oil cake I see no reason why the question of their reduction should not be considered, if and when we are in a position to undertake further reduction of rates, and I will bring the Honourable Member's question to the notice of the Conference Association.

REDUCTION OF THE RAILWAY FREIGHTS ON SUGAR, *Bura*, *Jaggery* AND *Shakkar*.

736. *Mr. Mukhtar Singh : (*a*) Will the Government be pleased to state since when the present freight rates on Railways are fixed on sugar, *shakkar* and *jaggery* ? What were the rates charged before fixing the present rates ? Will the Government be pleased to state the reasons why the rates were increased ?

(*b*) Will the Government be pleased to state the reasons as to why the same rates are charged on sugar, *bura*, *shakkar* and *jaggery* ?

(*c*) Will the Government be pleased to state the time since when the rates on sulphuric acid have been increased ? Will the Government be pleased to state the reasons as to why the increment in rates was made ?

(*d*) Do Government propose to take steps to decrease the rates on sugar, *bura*, *jaggery* and *shakkar* and further not to class all the four articles in one classification ?

(*e*) In view of the scarcity of fresh milk in cities, do Government propose to reduce the rates on milk carried by the State Railways ?

Mr. A. A. L. Parsons : (*a*) With effect from the 1st April 1922, the freight rate charged for sugar and *shakkar* was second class at railway risk, *viz.*, .42 pie mer maund per mile. This rate represents an enhancement of 25 per cent. on the rates prior to the 1st of April 1922, when the enhancement was made to replace the surcharge imposed under the Finance Act of 1921.

Jagree was carried at the same rate until this year when the rate was lowered to the extent explained in this year's budget memorandum on the State-managed Railways and the Madras and Southern Mahratta Railway and the Bombay, Baroda and Central India Railway Companies.

(*b*) For the purposes of charge it is the practice to group articles of the same kind and use under one classification. It would be impracticable to grade off charges to suit every variation in the price of a commodity.

(*c*) With effect from the 1st of April 1922 the rates charged for sulphuric acid were raised from .666 pie per maund per mile at owner's risk to .83 pie per maund per mile at owner's risk, *i.e.*, by about 25 per cent. in order to replace the surcharge imposed under the Finance Act of 1921.

(*d*) As explained, *jagree* is not now charged at the same rate as sugar, *bura* and *shakkar* on certain Railways. I am unable at present to say whether it will be possible to contemplate any reduction or further reduction in the freights of these commodities.

(*e*) Fresh milk carried by passenger trains is charged at half parcel rates. As was explained in the budget memorandum, a reduction in the rates for parcels is being undertaken.

FREIGHT CHARGES ON CERTAIN ARTICLES.

737. *Mr. Mukhtar Singh : Have Government taken any steps to examine the complaints about the freight charges of different articles mentioned in my speech in the Assembly on the 27th February 1927 ? If the answer be in the affirmative, will the Government be pleased to state the result of their investigation ? If the answer be in the negative, will the Government be pleased to state the reason why they have not done so ?

Mr. A. A. L. Parsons : An investigation into the complaints made by the Honourable Member regarding the freight rates on certain articles is being made. Government are not yet in a position to make a statement as to the result of these investigations.

†738*—744*.

†For these questions, see at the end of the list of starred questions for the days.

CARRIAGE OF LUGGAGE OF OFFICERS AND CLERKS OF THE GOVERNMENT TELEGRAPH OFFICES, SIMLA AND DELHI.

745. ***Mr. Satyendra Chandra Mitra :** Is it a fact that the officers and clerks employed in the Government of India are allowed to carry their luggage through private contractors when they move to Delhi and *vice versa* ? If so, do the Government propose to allow officers and clerks employed in the Government Telegraph Offices, Simla and Delhi, to carry their luggage through private contractors and produce receipts from them ? If not, why not ?

The Honourable Mr. A. C. McWatters : The staff referred to in the first part of the question receive fixed sums as travelling allowance under the Simla Allowances Code and Government are not concerned with the arrangements they make for the carriage of their luggage, whether through the agency of contractors or otherwise. The staff of the Government Telegraph Office, on the other hand, are entitled to travelling allowance under rules which provide for payment by Government of the actual cost of transporting personal effects within certain prescribed maxima, and claims have ordinarily to be supported by railway receipts for the expenditure incurred. No complaints have been received, but the question of accepting transport contractors' receipts will be examined.

RECRUITMENT ON A COMMUNAL BASIS IN THE INDIAN POSTAL AND TELEGRAPH DEPARTMENT.

746. ***Mr. Satyendra Chandra Mitra :** (*a*) Is it a fact that a General Circular letter has been issued to all the heads of branches and offices in the Posts and Telegraph Department that further recruitment in the various offices should be made on a communal basis ?

(*b*) If the above is true, will the Government state the number of telephone supervisors, electrical supervisors and general scale telegraphists since the issue of the above circular and state to what community they belong ?

The Honourable Mr. A. C. McWatters : (*a*) No. The orders of Government are to prevent the preponderance in Government service of any one community and for this purpose one-third of the vacancies are to be reserved for the adjustment of communal inequalities.

(*b*) Does not arise.

THE SIMLA ALLOWANCES CODE.

747. ***Maulvi Abdul Matin Chaudhury :** 1. Will Government lay on the table of the House the correspondence leading to the enactment of the Simla Allowance Code Book.

2. Did Government grant the allowances mentioned in the Code Book to those officers and employees only who were transferred from Calcutta or also to officers who were recruited locally ?

3. Will Government state the number of Government employees who receive benefits under the Simla Allowance Code Book ? Also will the Government state how many of these were brought up from Calcutta and how many recruited locally ?

4. Will Government be pleased to state the grounds on which house rent allowance is granted to officials and clerks employed in the Government of India ?

5. Was it the ground for granting the allowance that the employees concerned were shifted from Calcutta ? If so, on what ground was this benefit extended to those recruited locally ?

The Honourable Mr. J. Crerar : (1) The correspondence and orders on the subject, extending as they do for over half a century, are voluminous, and Government do not consider that any useful purpose would be served by laying them on the table.

(2) It is not clear how far there was any local recruitment when a special scale of allowances for Simla was first introduced but no distinction has ever been based on the place of recruitment.

(3) I would refer the Honourable Member to Rule 1 of the Code, copy of which is in the Library. I have not the figures of the exact number of men affected, nor details as to the place where each was recruited.

(4) The ground in the case of clerks is the high rate of house rent prevailing in Simla. Officers do not receive house allowances.

(5) The allowance had no exclusive reference to Calcutta, though naturally when it was first introduced the majority of the establishment were Calcutta men. The second part of the question does not arise.

TRAVELLING ALLOWANCE OF CAVALRY AND INFANTRY OFFICERS OF THE ARMY IN INDIA RESERVE OF OFFICERS.

748. ***Sardar Muhammad Nawaz Khan :** (*a*) Are Government aware of the fact that cavalry and infantry officers of the Army in India Reserve of Officers are borne on cadres of certain units ?

(*b*) Are Government also aware of the fact that such units are not always stationed in the Command in which such officers generally reside ?

(*c*) Are Government also aware of the fact that if an officer elects to undergo training with his unit stationed in another Command than the one in which such officer generally resides then he is only entitled, under paragraph 49 of the Regulations for the Army in India Reserve of Officers, to draw travelling allowance up to the amount admissible had he elected to go to the most distant military station in the Command in which he generally resides ?

(*d*) If answers to (*a*), (*b*) and (*c*) are in the affirmative, do Government propose to remove this restriction and permit officers of the Army in India Reserve of Officers to draw travelling allowance at the temporary duty scale when proceeding to their units for annual training and when returning to their places of residence in India irrespective of the limits now imposed ?

Mr. G. M. Young : (*a*), (*b*) and (*c*). Yes.

(*d*) This small restriction exists solely on the score of expense. I will have the question examined, but cannot hold out much hope of funds being available to remove it at present.

Pandit Hirday Nath Kunzru : With reference to the answer given to part (*d*) of the question, may I know whether Indians in the Indian Army Reserve of Officers are attached to the Indianised units only ?

Mr. G. M. Young : I must ask for notice of that question.

RESTRICTIONS RELATING TO THE PART TIME EMPLOYMENT OF OFFICERS OF THE ARMY IN INDIA RESERVE OF OFFICERS.

749. ***Sardar Muhammad Nawaz Khan** : (*a*) Are Government aware of the restrictions imposed on General Officers Commanding-in-Chief by paragraph 26 (*a*) of Regulations for the Army in India Reserve of Officers, and Appendix F thereto, regarding part time employment of officers of the Army in India Reserve of Officers ?

(*b*) If the answer to (*a*) is in affirmative, do Government propose to remove these restrictions and leave it to the General Officers Commanding-in-Chief to determine the purposes for and occasions on which such officers may be employed ?

Mr. G. M. Young : (*a*) Yes.

(*b*) The matter is already under consideration.

INDIAN DELEGATES TO THE INTERNATIONAL LABOUR CONFERENCE.

750. ***Mr. Sarabhai Nemchand Haji** : (*a*) Are Government aware of the satisfaction expressed at the last sittings of the International Labour Conference by the Officers of the International Labour Office and the Delegates of the International Labour Conference at the fact that the whole of the Indian Delegation consisted, for the first time, of national delegates only ?

(*b*) If so, will Government please state if they propose to repeat, in making nominations for the next International Labour Conference, the course which has given complete satisfaction both in India and in Geneva ?

The Honourable Mr. A. C. McWatters : (*a*) No. They have however seen some newspaper reports of conversations on the subject.

(*b*) Does not strictly arise, but in any case in selecting non-official delegates and advisers to the International Labour Conference, Government are bound by the provisions of Art. 389 of the Treaty of Verseilles.

ASSESSMENT OF NON-INDIAN SHIPPING COMPANIES TO SUPER-TAX.

751. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government please state the amount of super-tax paid during the last five years by :

(*i*) Indian shipping companies ;

(*ii*) British shipping companies ;

(*iii*) other foreign Shipping Companies ?

(*b*) Is it a fact that the non-Indian Companies pay a very small super-tax as compared to the huge profits made by them in the coastal and the overseas trade ? If not, will Government please state the amount of super-tax realised together with the amount of the profits on which such super-tax was payable during the last five years ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*) The information asked for in part (*a*) of the question and in the second half of part (*b*) is not available as the requisite statistics have not been collected in the past. The method of assessing non-Indian shipping companies is laid down in paragraphs 84-A to 86 of the Income-Tax Manual, Part III. The Government have no reason to believe that this method leads to the under-assessment of that part of the companies' profits that is earned by their Indian business.

Mr. Sarabhai Nemchand Haji : Is it a fact, Sir, that the non-Indian shipping companies trading on the Indian coast did not pay any income tax until the attention of the Government was drawn to that non-payment in the year 1922 ?

The Honourable Sir Bhupendra Nath Mitra : I have no information on that point, Sir. If the Honourable Member will kindly put down a question I shall see that it is answered.

Mr. Sarabhai Nemchand Haji : Another supplementary question, Sir. With regard to the question of super-tax will the Honourable the Finance Member make enquiries which will give to the House an idea as to whether the non-Indian shipping companies pay any super-tax on their earnings in India, particularly in view of the fact that, following their previous practice in regard to income-tax, it is not improbable that they are also evading super-tax ?

The Honourable Sir Bhupendra Nath Mitra : I will have that point looked into.

TRAINING OF INDIANS IN MARINE ENGINEERING.

752. ***Mr. Sarabhai Nemchand Haji** : Will Government please state if they have made any arrangements for Indians being trained in Marine Engineering ?

The Honourable Sir George Rainy : Government have formulated a provisional scheme in consultation with the High Commissioner for India. The proposals will now be placed before the Standing Advisory Committee of the Commerce Department and thereafter before the Standing Finance Committee.

APPOINTMENT OF INDIANS AS TRADE COMMISSIONERS ABROAD.

753. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government please state if they have made any arrangements for the appointment of Indians as Trade Commissioners at different trade centres in the world ?

(*b*) Are any arrangements made for such Trade Commissioners to work as Indian Commercial Attachés to the British Embassies and Consulates at such centres ?

The Honourable Sir George Rainy : The question of appointing Indian Trade Commissioners abroad is under consideration.

GRANT OF SPECIAL FACILITIES TO PASSENGERS BY THE P. AND O. STEAMERS REGARDING JOURNEYS ON INDIAN RAILWAYS.

754. ***Mr. Sarabhai Nemchand Haji** : Is it a fact that Government have given special facilities to passengers by the P. & O. steamers regarding

their travels on Indian Railways ? If so, have other shipping companies interested in the passenger trade between India and Europe been given the same facilities ?

Mr. A. A. L. Parsons : The only arrangement with the Peninsular and Oriental Steam Navigation Company relates to the Imperial Indian Mail which connects with the incoming and outgoing weekly mail steamers. The Peninsular and Oriental Steam Navigation Company carry out the reservation of berths for this train from Bombay to Calcutta in their London office. It is only with regard to the mail steamers that such arrangements have so far been made.

Mr. Sarabhai Nemchand Haji : Will Government consider the advisability of making similar arrangements for other shipping companies in case they approach the Government ?

Mr. A. A. L. Parsons : If we are approached, we shall certainly be prepared to consider any proposal in which we see a chance of profit.

Mr. Sarabhai Nemchand Haji : Is it a fact that up to this moment the treatment meted out to the P. & O. Company is one of particular favouritism ?

Mr. A. A. L. Parsons : I do not know in what respect the Honourable Member alleges favouritism ; it is certainly not the case with regard to the department which I am representing.

Mr. Sarabhai Nemchand Haji : Is it a fact, Sir, that the Government have not given similar facilities to other shipping companies ?

Mr. A. A. L. Parsons : If the Honourable Member would explain more fully what facilities he refers to, I may be able to answer him ; but I cannot answer a vague question of that kind.

Mr. Sarabhai Nemchand Haji : I was referring naturally to the facilities to which I have referred in my question, namely, facilities of giving special train accommodation to passengers who arrive in India by steamers other than those belonging to the P. & O. Company.

Mr. A. A. L. Parsons : Those facilities were not given for any reason connected with the Company itself ; but it happens that the mail steamers to India are run by the P. & O. Company ; also that those steamers carry more first class passengers destined for Calcutta than most other steamers ; and it is therefore possible to get a full train load of passengers ordinarily from Bombay to Calcutta. It is purely a matter of business.

CONVENIENCES FOR THIRD CLASS PASSENGERS AT THE PROPOSED CENTRAL RAILWAY STATION IN BOMBAY.

755. ***Mr. Sarabhai Nemchand Haji** : Will Government please state the arrangements made for the conveniences of third class passengers at the proposed Central Railway Station in Bombay ?

Mr. A. A. L. Parsons : I propose with your permission, Sir, to answer questions Nos. 755 and 756 together. Government have no detailed information, but they understand that the suitability of the position assigned to the third class waiting hall has been challenged. They have written to the Agent of the Bombay, Baroda and Central India Railway asking him to explain what the present position is, and will communicate with the Honourable Member on receipt of his reply.

Mr. N. M. Joshi : May I ask, Sir, in view of the fact that the Railways earn from third class passengers more than they earn from first and second class passengers, whether they will reserve all the rooms in the new Victoria Terminus for the third class passengers ?

Mr. A. A. L. Parsons : Sir, my Honourable friend, Mr. Joshi, in his enthusiasm for the third class passenger has taken me from the Bombay, Baroda and Central India Railway to the Great Indian Peninsula Railway. I must ask for notice of that question, if he wishes alterations to be made in the arrangements at Victoria Terminus.

SUITABILITY OF THE POSITION ASSIGNED TO THE THIRD CLASS WAITING HALL IN THE PROPOSED CENTRAL RAILWAY STATION IN BOMBAY.

†756. ***Mr. Sarabhai Nemchand Haji** : (*a*) Is it a fact that the Honorary Secretary of the Passengers' Traffic and Relief Association of Bombay has written a letter to the Agent of the Bombay, Baroda and Central India Railway Company, Limited, regarding the grievances certain to arise in case the present plan of the station is adopted without modification ?

(*b*) Will Government please state what action they propose to take in the matter ?

TRAINING OF INDIANS IN MARINE WIRELESS TELEGRAPHY.

757. ***Mr. Sarabhai Nemchand Haji** : (*a*) Will Government please state the arrangements made by them for the training of Indians in Marine Wireless Telegraphy ?

(*b*) Are Government aware of any action taken by private individuals or companies to provide facilities for such training ?

(*c*) If so, will Government please state if they have made any concessions in that respect ?

Mr. P. G. Rogers : (*a*) The Honourable Member is referred to the information furnished in reply to Khan Bahadur Sarfaraz Hussain Khan's unstarred questions No. 304 of the 7th March and No. 105 of the 4th September 1928.

(*b*) Government are aware that certain institutions offer to provide such training.

(*c*) No.

DEPUTATION OF THE CHIEF PUBLICITY OFFICER OF THE STATE RAILWAYS TO AMERICA.

758. ***Mr. Sarabhai Nemchand Haji** : (*a*) Is there any truth in the rumour that the Chief Publicity Officer of the State Railways is going to be sent on a world tour with the ultimate object of stimulating traffic in India by novel methods ?

(*b*) Do Government propose to make an effort towards securing the services of an Indian during the absence on world tour of the Chief Publicity Officer ?

†For answer to this question, see answer to question No. 755.

(c) Is it the intention of Government to nominate an European officer ?

(d) Will Government be pleased to place on the table the correspondence relating to the acting appointment and also disclose the special qualifications of their nominee to justify the exclusion of an Indian, if such exclusion is contemplated ?

Mr. A. A. L. Parsons : The gentleman who has recently been the Chief Publicity Officer is being sent on deputation to America to open a branch office of the Indian State Railways Publicity Department in New York. He has been temporarily replaced, during his absence, by an officer already in railway service, who has had wide traffic and commercial experience. There has been no correspondence with regard to the acting appointment.

PRINTING OF THE INDIAN STATES RAILWAY MAGAZINE.

759. ***Mr. Sarabhai Nemchand Haji** : (a) Will Government be pleased to state whether open tenders were called for the printing of the Indian States Railway Magazine which is now edited at Delhi and printed in Bombay ?

(b) Were Indian Presses given an opportunity to quote competitive rates ?

(c) Are Government aware that there is a grievous complaint among Indian printing presses in connection with railway publicity ?

Mr. A. A. L. Parsons : (a) and (b) I have not yet got definite information, but am obtaining it for the Honourable Member. My recollection is, however, that the Chief Publicity Officer found that no press in India had the type required for the printing of the Indian States Railway Magazine ; he therefore arranged with the *Times of India* Press to obtain the type from England.

(c) Government have received no such complaints.

Mr. Sarabhai Nemchand Haji : Will the Honourable Member, when making inquiries, further inquire if the Chief Publicity Officer took any particular pains to find out if other Indian presses did not have the required type ?

Mr. A. A. L. Parsons : I have already said that the Chief Publicity Officer took steps to discover whether any press in India could provide the type for the printing of the magazine in the style which was desired.

Mr. Vidya Sagar Pandya : Not even in Madras ?

NUMBER OF POSTERS AND PAMPHLETS ISSUED BY THE STATE RAILWAYS PUBLICITY DEPARTMENTS.

760. ***Mr. Sarabhai Nemchand Haji** : (a) Will Government be pleased to state how many posters and pamphlets were issued by various State Railways Publicity Departments in the past year ? How many of these posters were designed by Indian artists ? What was the total value of the posters drawn and how much of it went to Indian artists ?

(b) How many of the hand-books printed were produced by Indian authors and how many by non-Indian authors ? Did any part of the amount spent under this head go to Indians ? If so, how much ?

Mr. A. A. L. Parsons : I am obtaining the information for the Honourable Member from the Central Publicity Officer and from all State-managed Railways. I am aware that some posters have been designed by Indian artists, but I do not yet know the exact number. I can also give the Honourable Member the assurance that the Publicity Department will always be prepared to consider suitable designs for posters from Indian artists.

EXPENDITURE ON PUBLICITY FOR THE STATE RAILWAYS.

761. ***Mr. Sarabhai Nemchand Haji** : (a) Will Government be pleased to state what sum of money is annually spent in the name of publicity for the State Railways ?

(b) How many officers are there in the State Railways Publicity Services, who draw salaries above Rs. 1,000 per mensem ?

How many of them are Indians ?

Mr. A. A. L. Parsons : (a) Between 3½ and 4 lakhs.

(b) Four. None of these is at present an Indian.

TOURS OF THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY

762. ***Mr. Sarabhai Nemchand Haji** : (a) Has the attention of Government been drawn to the comments in the leading Indian newspapers expressing their approval of the practice of the President of the Legislative Assembly making tours to the seats of provincial Legislatures ?

(b) Did the practice start with the first President of the Legislative Assembly ? If so, will Government please lay a statement showing year by year the places visited by the first President of the Legislative Assembly and the expenditure incurred in connection with each of the visits ?

The Honourable Mr. J. Crerar (Leader of the House) : (a) The reply is in the affirmative.

(b) The practice existed during the time of the first President and the attention of the Honourable Member is invited to the statement which was laid on the table of the House on the 11th September 1928 in reply to a similar question by Mr. Gaya Prasad Singh.

Mr. Sarabhai Nemchand Haji : May I know, Sir, if the statement gives the amount of money spent on tours by the first President of the Assembly ?

Mr. Gaya Prasad Singh : Yes ; that is given in it.

PROLONGATION OF THE STAY OF THE GOVERNMENT OF INDIA IN NEW DELHI.

763. ***Mr. Sarabhai Nemchand Haji** : (a) Has the attention of Government been drawn to the newspaper report that the Secretary of State has addressed a despatch to the Government of India regarding the latter's stay in Delhi for a period of six months every year ?

(b) Have the Government considered the desirability of prolonging their stay in Delhi ; if so, will they be pleased to state the decision they have arrived at ?

(c) Is it a fact that the stay of the Government of India in Delhi last winter extended up to the middle of April, 1928 ? If so, in what way did the stay affect the efficiency of the Departments ?

on the Great Indian Peninsula Railway. These have either been considered or are being considered by the Agent.

(*b*) No.

(*c*) Mr. C. T. Sheppard.

(*d*) Yes.

(*e*) Government have seen no indication in the columns of the newspaper to this effect.

(*f*) No.

(*g*) No.

REFUSAL OF PERMISSION BY THE AGENT OF THE GREAT INDIAN PENINSULA RAILWAY TO THE WORKERS' UNION TO AFFIX NOTICES ABOUT THE ORGANISATION OF THE UNION ON THE PREMISES OF THE STATION.

766. ***Mr. Jamnadas M. Mehta** : Is it the fact, that the Agent of the Great Indian Peninsula Railway recently refused permission to the Workers' Union when they wanted to put up notices on the station about the organisation of the Union even when the Union offered to pay for their advertisement ?

By Mr. A. A. L. Parsons : Government understand that this is so. I may further explain that no objection is raised to the Unions putting up notices regarding meetings at railway stations, and I believe no charge is made for such notices. I am sure this concession is allowed in the terms of recognition of all Great Indian Peninsula Railway Unions, but the request to rent space in a similar way to other advertisers was refused, because it was understood that it would be used for propaganda work.

12 NOON.

AMOUNT OF MONEY PAID BY THE RAILWAY PUBLICITY DEPARTMENT TO THE *Times of India* IN RESPECT OF THE PRINTING OF THE INDIAN STATES RAILWAY MAGAZINE.

767. ***Mr. Jamnadas M. Mehta** : (*a*) Will Government please state what is the total amount of money paid up-to-date by the Railway Publicity Department to the *Times of India* in respect of the printing of the States Railway Magazine ?

(*b*) What is the total amount paid by the State Railways last year to the *Times of India* in respect of (*i*) the printing of pamphlets and posters ; (*ii*) other railway publications ?

(*c*) What is the total amount of money paid to the *Times of India* as ordinary advertising revenue by the State Railways last year ?

(*d*) Will Government be pleased to state how many of the handbooks and posters produced by the various State Railways Departments were given for printing to the *Times of India* ?

Mr. A. A. L. Parsons : I am seeing if I can collect the information for the Honourable Member from the various Railway Administrations ; it is not available in the Railway Board's office.

RECRUITMENT TO THE CENTRAL SERVICES.

768. ***Pandit Hirday Nath Kunzru** : (*a*) Are Government aware that the Lee Commission recommended that as regards the Central Services not specified in para. 42 (*a*), (*b*), (*c*) and (*d*) " recruitment should be at the discretion of the Government of India " ?

(*b*) Has the power of making appointments in these services been delegated to the Government of India by the Secretary of State ?

(*c*) Has any proportion been fixed for the appointment of Indians and Europeans to these services ? If not, what is the proportion in which they are being recruited at present ?

The Honourawble Mr. J. Crerar : (*a*) Yes.

(*b*) No formal delegation has yet been made ; but in practice appointment to the majority of these Services is already made by the Government of India.

(*c*) The Government of India have not yet received power to make formal rules fixing proportions. I will furnish the Honourable Member with a statement showing the present position in the various Departments. Statements showing the progress of Indianization are placed annually in the Library of the House.

Pandit Hirday Nath Kunzru : Have the Government of India asked for a formal delegation of powers from the Secretary of State ?

The Honourable Mr. J. Crerar : These questions regarding establishments and recruitment are of a complicated character, and I should not like to commit myself to a statement without consulting the records. Perhaps the Honourable Member will give me notice of this question.

DEPUTY AGENT, SOUTH INDIAN RAILWAY.

769. ***Pandit Hirday Nath Kunzru** : (*a*) Are Government aware that the Standing Finance Committee for Railways agreed in November, 1927, to the creation of a temporary post of Deputy Agent for the South Indian Railway " subject to the appointment of an Indian to the post if a qualified man is available " ?

(*b*) When was this post filled up ? Was an Indian appointed to it ? If not, why not ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The post was filled on the 1st of March 1928. The Agent reported that he had no qualified Indian officer available, but as a result of the creation of the post of Deputy Agent an Indian officer was promoted to be senior Assistant Secretary.

Mr. R. K. Shanmukham Chetty : Was any attempt made to find an Indian officer from the State Railways for this post ?

Mr. A. A. L. Parsons : No, Sir.

Mr. R. K. Shanmukham Chetty : May I know, Sir, why in the face of the specific recommendation of the Standing Finance Committee no attempt was made to find an Indian for this post ?

Mr. A. A. L. Parsons : The particular post was required, as far as I remember, more particularly to deal with construction proposals on the

South Indian Railway, and obviously a man with local knowledge was required. I may also suggest to the Honourable Member that it is extremely unlikely that any officer from a State Railway would be prepared to accept a transfer to a Company-managed Railway as Deputy Agent without any large increase in emoluments.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member whether it is not a fact that the present Agent of the Bombay, Baroda and Central India Railway was sent to that line from a State Railway as Deputy Agent ?

Mr. A. A. L. Parsons : No, Sir. The present Agent of the Bombay, Baroda and Central India Railway has been, I think I am right in saying, throughout his service a servant of the Bombay, Baroda and Central India Railway Company.

Pandit Hirday Nath Kunzru : Was it Mr. Brayshay ?

Mr. A. A. L. Parsons : I have answered the Honourable Member's question as put.

Mr. Jamnadas M. Mehta : Is it true that things are so managed that even if there is a vacancy again an Indian cannot be appointed ?

Mr. A. A. L. Parsons : It will depend entirely on what officers the Agent has got on his list of the requisite seniority, and I think we can trust the Agent of that Railway not to pass over persons whose claims to promotion are well deserved owing to their previous work, on any racial considerations.

Mr. Jamnadas M. Mehta : Is it possible to trust him after this exhibition ?

Mr. A. A. L. Parsons : There was certainly no racial discrimination in the appointment which he has made. I have personal knowledge of the officer appointed and of his work, and I think it can safely be said that he is the best officer they could have selected for the post.

Pandit Hirday Nath Kunzru : Was not Mr. Brayshay, who acted as Agent of the Bombay, Baroda and Central India Railway for some time, sent from a State Railway ?

Mr. A. A. L. Parsons : He was certainly sent to the Bombay, Baroda and Central India Railway to act as Deputy Agent either from the Railway Board Office or from a State Railway. The Honourable Member did not refer in his previous supplementary question to him. He asked about the present Agent of the Bombay, Baroda and Central India Railway.

Pandit Hirday Nath Kunzru : Is it a fact that Mr. Muirhead was sent from a State-worked Railway to the South Indian Railway ?

Mr. A. A. L. Parsons : That is not within my knowledge.

Pandit Hirday Nath Kunzru : If in some instances officers have been sent from State-worked Railways to Company-worked Railways, why was not an attempt made in this particular instance to select a suitable man from a State-worked Railway to act as Deputy Agent of the South Indian Railway ?

Mr. A. A. L. Parsons : For the reasons which I have already explained to the House.

Mr. K. C. Neogy : Was not this fact brought to the notice of the Standing Finance Committee for Railways before the appointment was actually made ?

Mr. A. A. L. Parsons : It is not my practice, Sir, to give away details of discussions that take place in the Standing Finance Committee, but I think I may say that at the time I told them that I thought it was very unlikely that there would be an Indian available for this particluar appointment.

Mr. M. S. Aney : Even after the appointment of a European was made to this post, was the matter brought to the notice of the Standing Finance Committee ?

Mr. A. A. L. Parsons : No, Sir, because, as I explained when the question of the appointment came before the Standing Finance Committee, it was not really within their functions to consider how a particular appointment would be filled. Their duty is to see whether there is necessity for a particular appointment, and that the expenditure is justified.

QUESTIONS NOT ASKED AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DIRECTOR GENERAL OF ARCHÆOLOGY IN INDIA.

680. ***Sardar Kartar Singh** : (*a*) What is the total ministerial strength of the office of the Director-General of Archæology in India, Simla, and how many in that office are Hindus, Muhammadans and Sikhs ?

(*b*) Is it a fact that there is not a single Sikh in this office ?

(*c*) Is it also a fact that this fact has been brought to the notice of the Government on many occasions since 1924 through Assembly questions ?

(*d*) How many vacancies occurred in this office since 1924 and how many were given to Sikhs as against Hindus and Muhammadans ?

(*e*) Are Government aware of the advertisement in the *Tribune*, dated the 6th September, 1928, from the Director General of Archæology, inviting applications from Muhammadans only and not from Sikhs only, and what are the reasons therefor ?

(*f*) Did Government ever similarly invite application from Sikhs in previous vacancies ? If so, when, if not, why not ?

(*g*) Do Government propose to order the recruitment of a Sikh in the vacancy now advertised by the Director General or ask the Public Service Commission to give him a Sikh by supplementing the list of passed men as they did in the case of Army Headquarters ?

Mr. G. S. Bajpai : (*a*) The sanctioned strength of the ministerial establishment of the office of the Director General of Archæology in India is 25, but the actual strength at present is only 23, of which 15 are Hindus and 8 Muhammadans.

(*b*) Yes.

(*c*) So far as I can trace, there have been no Assembly questions since 1924, dealing specifically with the case of Sikhs in the Director General of Archæology's office.

(*d*) 13, of which nine were filled by Hindus and four by Muhammadans. Applications received from Sikh candidates were duly considered, but none of them was found suitable for appointment.

(*e*) Yes. A Muhammadan clerk was asked for to replace a Muhammadan transferred to the Department of Agriculture, Punjab.

(*f*) No. It is not the general practice to ask for candidates of any particular community.

(*g*) No. I may add, however, that the Director General of Archæology in India has asked the Public Service Commission to recommend a Sikh candidate, if possible, for the other of the two posts now vacant in his office.

EMPLOYMENT OF SIKHS AS ASSISTANTS AND SUPERINTENDENTS IN THE INDIAN STORES DEPARTMENT.

681. ***Sardar Kartar Singh** : (*a*) What is the total number of Assistants and Superintendents in the Indian Stores Department and how many of them are Sikhs as against Muhammadans and Hindus ?

(*b*) Do Government propose to order the recruitment of Sikhs in that grade ? If not, why ?

The Honourable Mr. A. C. McWatters : (*a*) The total number of Assistants and Superintendents is 53, of whom 2 are Sikhs and 44 Hindus or Muslims.

(*b*) As regards recruitment to the grade of Assistant, the ordinary policy of Government in respect of communal representation is observed. Appointment to the grade of Superintendent, which is a selection grade, is by promotion and Government cannot agree to basing it on communal considerations.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE COMMISSIONER, NORTHERN INDIA SALT REVENUE, DELHI.

682. ***Sardar Kartar Singh** : (*a*) How many vacancies occurred in the office of the Commissioner, Northern India Salt Revenue, Delhi, since 1927 and how many of them were given to Sikhs ?

(*b*) If none, why ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Three vacancies have occurred in the clerical establishment of the Commissioner's office at Delhi since the 1st January, 1927. None of them were given to Sikhs.

(*b*) The Commissioner, whose office is situated in Delhi, does not appear to have thought it necessary to take special measures to secure the recruitment of candidates from communities which belong mainly to other parts of the country.

EMPLOYMENT OF SIKHS IN THE OFFICE OF THE DEPUTY ACCOUNTANT GENERAL, POSTS AND TELEGRAPHS.

683. ***Sardar Kartar Singh** : (*a*) Is it a fact that there is no Sikh in the office of the Deputy Accountant-General, Posts and Telegraphs, Delhi ?

(*b*) If so, are Government prepared to take Sikhs in the present vacancies ?

The Honourable Sir Bhupendra Nath Mitra : Enquiries are being made and a reply will be given to the Honourable Member in due course.

FITTING OF TRAINS RUNNING AT NIGHT WITH ELECTRIC SEARCH LIGHTS.

684. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware that there is a rule that engines of all trains running at night should be fitted with electric search-lights, and that this rule is not observed by several Railways in India, especially the Bombay, Baroda and Central India Railway and the Bengal and North-Western Railway ?

(*b*) Are Government aware that the practice referred to in part (*a*) is dangerous, particularly in the monsoon months ?

(*c*) Is it a fact that brake vans of goods trains in several of these Railways are provided with kerosine lamps instead of electric lights ?

(*d*) Do Government propose to insist on the observance of this rule by all railways and also to provide electric lights in brake vans instead of kerosine lamps ?

(*e*) Is it a fact that the wagons in goods trains running on the Bengal and North Western Railway, the Rohilkund and Kamaon Railway and the U. C. Railway are not fitted with vacuum brakes ?

(*f*) Do Government propose to take steps to provide vacuum brakes in wagons in goods trains ?

Mr. A. A. L. Parsons : (*a*) and (*b*). There is no such rule. The Honourable Member is referred to the reply I gave to Mr. Joshi in reply to his question No. 272 on the 8th September, that all locomotives working mail, passenger and mixed trains are expected to be fitted with electric search-lights by the end of the year. We are also starting to equip locomotives employed in working goods trains with search-lights.

(*c*) and (*d*). There is no intention to fit the brake vans of all goods trains with electric light. This matter would be very costly both in respect to initial equipment and maintenance and the batteries are likely to discharge if they are not kept in constant use.

(*e*) Yes.

(*f*) This question has been taken up with all Railways.

LOCATION IN THE SAME AREA OF MUSLIM EMPLOYEES OF THE BENGAL NAGPUR RAILWAY AT KHARAGPUR.

685. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware that communal feeling is running very high in the railway quarters at Kharagpur under the Bengal Nagpur Railway ?

(*b*) Are Government aware that there are not more than 1,100 Muslim railway employees as against 13,000 Hindu employees in that area ?

(*c*) In view of the above disparity in numbers and the tension of feeling prevailing in that area owing to the riots do Government propose to arrange things so as to bring all the Muslim employees in the same area, preferably at Golbazar Type No. 3|2, where there are mosques and maktabs necessary for the Muslim population ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) I am not aware of the exact numbers, but I am prepared to take it from the Honourable Member that the figures given by him are approximately correct.

(*c*) The Honourable Member has already given me some papers on this subject and the Railway Board propose to discuss the position at Kharagpur with the Agent, Bengal Nagpur Railway, when he arrives in Simla this month.

ISSUE OF WEEK-END TICKETS AT REDUCED RATES ON THE BENGAL NAGPUR RAILWAY.

733. ***Pandit Nilakantha Das** : (*a*) When did the system of issuing week-end tickets at reduced rates begin on the Bengal Nagpur Railway ?

(*b*) Was the system actually acted upon in all stations on that date ?

(*c*) When did it begin in Cuttack station, if it has yet begun there at all ?

(*d*) Did the Agent take notice of the various Press comments and other complaints on this subject ?

(*e*) How have the officer or officers to whose neglect of duty it was due, been dealt with ?

Mr. A. A. L. Parsons : (*a*) The exact date is not known, but it was some time before October 1927.

(*b*) No. Between certain selected stations only.

(*c*) In May 1928.

(*d*) and (*e*). Government are not aware that the public did complain about these week-end tickets, and that there was any neglect of duty on the part of officials of the Bengal Nagpur Railway.

ISSUE OF INSTRUCTIONS BY THE POSTMASTER GENERAL, BENGAL AND ASSAM CIRCLE, TO OFFICERS UNDER HIM NOT TO SUBMIT ANY PROPOSALS FOR INCREASING THE STAFF.

738. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Has the attention of the Government been drawn to an article "A destructive economy" published in June 1928 issue of *Labour* ?

(*b*) Is it a fact that the Postmaster General, Bengal and Assam Circle, has issued instructions to the officers under his control not to submit any proposal for increasing the staff this year ?

(*c*) Will the Government be pleased to state what is the reason of issuing such instructions to the officers under his control ?

(*d*) Is it not a fact that almost all the post offices are undermanned ? If so, why has there been delay of sanctioning adequate staff ?

The Honourable Mr A. C. McWatters : (*a*) Yes.

(*b*) to (*d*). The information is being collected and will be furnished to the Honourable Member in due course.

RAISING OF THE PAY OF THE POSTMASTERS OF THE BOW BAZAR, DHARAMTOLA AND PARK STREET TOWN SUB-OFFICES IN CALCUTTA.

739. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Will the Government be pleased to intimate what is the standard of raising the pay of a Postmaster of a Post Office to Rs. 350|650 ?

(*b*) How many clerks, sorting postmen, overseer postmen, packers, etc., are there in the Kalbadevi and Mandvi town sub-offices in Bombay and the Bow Bazar, Dharamtola and Park Street town sub-offices in Calcutta ?

(*c*) Do the Government propose to raise the pay of the Postmasters of the Bow Bazar, Dharamtola and Park Street town sub-offices to Rs. 350| 650 ?

The Honourable Mr. A. C. McWatters : Sir, I propose to answer questions No. 739 and No. 742 together.

There is at present no fixed standard for determining when the pay of a Postmaster should be raised to the Rs. 250—350 or to the 350—650 grade. Decisions in such cases are taken in consideration of the importance of the offices, the numbers of staff supervised, and so forth.

The question of laying down definite standards for fixing the number of selection grade appointments in the Post Office generally is however receiving the Director-General's attention.

The cases of the Sub-Postmasters, Bow Bazar, Dharamtola and Park Street will be reviewed as soon as the revised standards are laid down. Information is being collected on the other points touched on by the Honourable Member and will be furnished to him in due course.

WORKING HOURS OF THE OFFICIALS OF THE SAVINGS BANK DEPARTMENT OF THE GENERAL POST OFFICE, CALCUTTA.

740. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Has the attention of the Government been drawn to a publication in the *Forward*, dated the 9th August under the caption "To work for 13 hours" ?

(*b*) Is it a fact that the officials of the Savings Bank Department of the Calcutta General Post Office were compelled to work for 13 hours a day ?

(*c*) If the reply be in the affirmative, will the Government please intimate why they were compelled to work for such long hours ?

(*d*) Is it also a fact that in this year the depositors' pass books were accepted for entry of interest from 1st August 1928 instead of 16th June as is done every year ?

(*e*) If so, what is the reason for such delay ?

(*b*) Are Government aware that there are not more than 1,100 Muslim railway employees as against 13,000 Hindu employees in that area ?

(*c*) In view of the above disparity in numbers and the tension of feeling prevailing in that area owing to the riots do Government propose to arrange things so as to bring all the Muslim employees in the same area, preferably at Golbazar Type No. 3|2, where there are mosques and maktabs necessary for the Muslim population ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) I am not aware of the exact numbers, but I am prepared to take it from the Honourable Member that the figures given by him are approximately correct.

(*c*) The Honourable Member has already given me some papers on this subject and the Railway Board propose to discuss the position at Kharagpur with the Agent, Bengal Nagpur Railway, when he arrives in Simla this month.

Issue of Week-End Tickets at Reduced Rates on the Bengal Nagpur Railway.

733. *Pandit Nilakantha Das : (*a*) When did the system of issuing week-end tickets at reduced rates begin on the Bengal Nagpur Railway ?

(*b*) Was the system actually acted upon in all stations on that date ?

(*c*) When did it begin in Cuttack station, if it has yet begun there at all ?

(*d*) Did the Agent take notice of the various Press comments and other complaints on this subject ?

(*e*) How have the officer or officers to whose neglect of duty it was due, been dealt with ?

Mr. A. A. L. Parsons : (*a*) The exact date is not known, but it was some time before October 1927.

(*b*) No. Between certain selected stations only.

(*c*) In May 1928.

(*d*) and (*e*). Government are not aware that the public did complain about these week-end tickets, and that there was any neglect of duty on the part of officials of the Bengal Nagpur Railway.

Issue of Instructions by the Postmaster General, Bengal and Assam Circle, to Officers under him not to submit any Proposals for increasing the Staff.

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(*b*) Is it a fact that the Postmaster General, Bengal and Assam Circle, has issued instructions to the officers under his control not to submit any proposal for increasing the staff this year ?

(*c*) Will the Government be pleased to state what is the reason of issuing such instructions to the officers under his control ?

(*d*) Is it not a fact that almost all the post offices are undermanned ? If so, why has there been delay of sanctioning adequate staff ?

The Honourable Mr A. C. McWatters : (*a*) Yes.

(*b*) to (*d*). The information is being collected and will be furnished to the Honourable Member in due course.

Raising of the Pay of the Postmasters of the Bow Bazar, Dharamtola and Park Street Town Sub-Offices in Calcutta.

739. *Rai Bahadur Tarit Bhusan Roy : (*a*) Will the Government be pleased to intimate what is the standard of raising the pay of a Postmaster of a Post Office to Rs. 350|650 ?

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The question of laying down definite standards for fixing the number of selection grade appointments in the Post Office generally is however receiving the Director-General's attention.

The cases of the Sub-Postmasters, Bow Bazar, Dharamtola and Park Street will be reviewed as soon as the revised standards are laid down. Information is being collected on the other points touched on by the Honourable Member and will be furnished to him in due course.

Working Hours of the Officials of the Savings Bank Department of the General Post Office, Calcutta.

740. *Rai Bahadur Tarit Bhusan Roy : (*a*) Has the attention of the Government been drawn to a publication in the *Forward*, dated the 9th August under the caption "To work for 13 hours" ?

(*b*) Is it a fact that the officials of the Savings Bank Department of the Calcutta General Post Office were compelled to work for 13 hours a day ?

(*c*) If the reply be in the affirmative, will the Government please intimate why they were compelled to work for such long hours ?

(*d*) Is it also a fact that in this year the depositors' pass books were accepted for entry of interest from 1st August 1928 instead of 16th June as is done every year ?

(*e*) If so, what is the reason for such delay ?

(*f*) Is it a fact that the Audit Office has made over certain work of the Savings Bank to the Post Office not done before for facility of work of the Audit Office ?

(*g*) Is it a fact that Mr. C. D. Rae, late Presidency Postmaster, Calcutta, in his G. O. No. 1085, dated 12th February, 1926, introduced certain additional work in the Post Offices under him for the advantage of the Audit Office without the sanction of the higher authorities ?

(*h*) Is it not a fact that for the above reasons the clerks of the Savings Bank Branch, of all the Post Offices in Calcutta have to do some additional duties which are not covered by the time-test on the basis of which the staff is sanctioned ?

(*i*) Has the additional staff been sanctioned to cope with the increased work thus thrown on the Savings Bank Department of the Post Office ?

(*j*) Do the Government propose to compensate the staff who had to work 13 hours a day by giving them overtime allowance ?

(*k*) What action do the Government propose to take so that the staff of the Savings Bank Department may not be subjected to so much hardship ?

The Honourable Mr. A. C. McWatters : Government have no information, but will enquire.

DISCHARGE OF 15 APPROVED CANDIDATES OF THE OLD CALCUTTA SORTING DIVISION.

741. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Is it a fact that 15 approved candidates of the old Calcutta Sorting Division have been discharged after the office was amalgamated with the Calcutta Head Post Office on the ground that they did not possess the requisite educational qualifications ?

(*b*) If the reply be in the affirmative, will the Government please intimate why those men were at first recruited, understanding being given that they would get permanent appointment ?

(*c*) Do Government propose to consider their case and take them back ?

Mr. P. G. Rogers : The information is being collected and will be supplied to the Honourable Member in due course.

RAISING OF THE PAY OF THE DEPUTY POSTMASTER, HATKHOLA TOWN SUB OFFICE IN CALCUTTA.

†742. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) What is the standard of fixing the pay of a Postmaster of a Post Office in the grade of Rs. 250—350 ?

(*b*) How many clerks and sorting postmen are there in the Amherst Street and Hatkhola town sub-offices in Calcutta ?

(*c*) Is it a fact that the pay of the Postmaster, Amherst Street is Rs. 250—350, while that of Hatkhola is only Rs. 160—250 ? If so, what is the reason for it ?

†For answer to this question, see answer to question No. 739.

(*d*) How many clerks and sorting postmen are there in the Intally town sub-office in Calcutta ?

(*e*) Is it a fact that although the pay of the Deputy Postmaster, Intally, has been raised to Rs. 160—250, the pay of the Deputy Postmaster, Hatkhola, has not been raised to that grade ?

(*f*) If the reply be in the affirmative, will the Government please state the reason why the pay of the Deputy Postmaster, Hatkhola, has not been raised ?

ALTERATION OF THE TIMINGS OF THE 88 DOWN BURDWAN-HOWRAH LOCAL TRAIN, EAST INDIAN RAILWAY.

743. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Is it a fact that some passengers above Bandel Junction, East Indian Railway, made representations to the Agent, East Indian Railway, requesting him to alter the timings of the 88 Down Burdwan-Howrah local train to suit their convenience ?

(*b*) If so, will the Government please state the reason why their request was not complied with ?

(*c*) Is it a fact that the timing of this train has now been changed in such a manner that it has caused serious inconvenience to the passengers—as it starts from Burdwan about 10 minutes earlier and reaches earlier also—which is not suitable for them ?

(*d*) Do Government propose to enquire and alter the timings of this particular train to suit convenience of the passengers above Bandel Junction ?

Mr. A. A. L. Parsons : (*a*) Government understand from a copy of the representation to the Railway Board that this is so.

(*b*), (*c*) and (*d*). Government regret that they are unable to take any part in the preparation of time-tables.

COMPLAINT BY THE GLOBE NURSERY OF CALCUTTA AGAINST THE STAFF OF THE SHAMBAZAR TOWN SUB-OFFICE.

744. ***Rai Bahadur Tarit Bhusan Roy** : (*a*) Is it a fact that the Globe Nursery of Calcutta complained to the postal authorities that the addresses of parties who placed orders with them were systematically tampered with and secretly communicated to rival nurseries by the staff of the Shambazar T. S. O. and that they had sustained heavy loss in business due to this illegal action of the Post Office staff ?

(*b*) Was the charge substantiated by the departmental enquiry and were the sub-postmaster and three clerks who were suspected of complicity in the matter transferred from the office ?

(*c*) Is it a fact that the complainants distinctly requested the authority not to entrust the investigation of the case to Mr. Phani Bhusan Mustaphi, Inspector of Post Offices of the Sub-Division concerned alleging that he had intimacy with the proprietors of the Minerva Nursery and that the investigation, if entrusted to him, was likely to be frustrated.

(*d*) Is it a fact that the authority acceded to the complainants' request and actually deputed the Inspector of another Sub-Division to enquire into the case ?

(*e*) If so, what action do Government propose to take ?

(*f*) If not, why not ?

The Honourable Mr. A. C. McWatters : Government have no information. The Honourable Member's question has been forwarded to the Postmaster-General, Bengal and Assam, for report.

UNSTARRED QUESTIONS AND ANSWERS.

GRANT OF INVALID PENSIONS TO POSTMEN AND TELEGRAPH MESSENGERS.

401. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that postmen and telegraphmen of the menial class of staff are not allowed pension if after 15 years of service they are declared unfit on medical examination ?

(*b*) If so, will Government please state if they are willing to consider the desirability of making some provision for the hard-worked postmen and telegraphmen of the menial class of staff after their services of 15 years ; and if willing, will Government please state what provision they intend to make ?

The Honourable Mr. A. C. McWatters : It is presumed that by the expression " telegraphmen " the Honourable Member refers to telegraph delivery messengers. If so, the reply is :

(*a*) postmen are eligible for invalid pensions after 10 years' service and invalided telegraph messengers to a gratuity after 5.

(*b*) Does not arise.

GRANT OF OVERTIME TO TELEGRAPH DELIVERY MESSENGERS.

402. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that telegraphmen of the menial class of staff are considered to be on duty for all 24 hours of the day and though ordinarily only 8 hours work is exacted from them they are really speaking on duty for all 24 hours ?

(*b*) If so, will Government please state if telegraphmen of the menial class of staff when required to work at unusual hours are paid any extra allowance ?

The Honourable Mr. A. C. McWatters : It is presumed by the expression " telegraphmen " the Honourable Member refers to telegraph delivery messengers. If so, the reply is :

(*a*) telegraph messengers who are wholetime servants of Government are sometimes required to work beyond the ordinary hours of duty. The Honourable Member's attention is invited to rule 11 of the Fundamental Rules.

(*b*) Overtime allowance is paid to telegraph messengers on fixed pay under the conditions specified in paragraphs 221 and 222 of the Telegraph Manual, Volume II.

AIR SERVICE TO INDIA.

403. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 26th August 1928, page 10, under the heading " Britain's new Airships—for India service—to be completed this year " ?

(*b*) If so, will Government please state how matters stand with regard to the matter dealt with in the paragraph ?

The Honourable Mr. A. C. McWatters : (*a*) Government have seen the article in question.

(*b*) An airship shed has been built by the Air Ministry at Karachi on land provided by the Government of India. The Government of India have no official information regarding the other matters mentioned in the article.

PRICE OF FURNITURE SUPPLIED IN THE CART ROAD QUARTERS, SIMLA.

404. **Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the values of furniture supplied to Honourable Members in the Cart Road quarters are generally put very high ?

(*b*) Are Government aware that the values of the following articles of furniture have been put as under :

	Rs.
1 Round table	80
1 Upholstered chair	50
1 Writing table	55
1 Dressing table with mirror	85
1 Cupboard	60
1 Wash-stand	35

while these could be obtained at less than half the costs mentioned above ?

(*c*) Who is responsible for the supply of these articles of furniture of comparatively inferior quality at such rediculous prices ?

(*d*) Do Government propose to depute a responsible officer to actually inspect the furniture with a view to find out the actual prices paid for them, and to prevent fraud ?

The Honourable Mr. A. C. McWatters : (*a*) The values are fixed at the prices paid, and are not put up at a higher level.

(*b*) The values have been correctly quoted by the Honourable Member ; I cannot accept the statement he has added to his question.

(*c*) The furniture was purchased in 1921 with the approval of the Superintending Engineer ; but I am unable to concur in the Honourable Member's opinion of the transaction.

(*d*) In view of the answer I have given to (*a*), this does not arise.

ANNUAL INCOME FROM THE COTTON CESS, ETC.

405. **Mr. Abdul Haye** : Will Government please state the annual income from the cotton cess for the last three years, also the annual

expenditure incurred by the Indian Central Cotton Committee during this period ?

Mr. G. S. Bajpai : Information is being obtained and will be supplied to the Honourable Member later.

SALARIES PAID ANNUALLY TO THE INDIAN AND NON-INDIAN EMPLOYEES OF THE INDIAN CENTRAL COTTON COMMITTEE.

†406. **Mr. Abdul Haye** : Will Government please state separately the total amount of salaries paid annually to the Indian and non-Indian employees of the Indian Central Cotton Committee ? Will Government please state the highest pay paid to an Indian and the highest and the lowest pay paid at present to a European by this Committee ?

INDIANISATION OF THE STAFF EMPLOYED UNDER THE INDIAN CENTRAL COTTON COMMITTEE.

†407. **Mr. Abdul Haye** : What steps have so far been taken by the Indian Central Cotton Committee to give effect to the policy of the Government, regarding Indianization of Services ? By what date is it expected that most of the posts under this Committee will be held by Indians ?

TRAINING OF INDIANS TO HOLD HIGH POSTS UNDER THE INDIAN CENTRAL COTTON COMMITTEE.

†408. **Mr. Abdul Haye** : (*a*) Will Government please state what steps the Indian Central Cotton Committee has so far taken to qualify Indians to hold high posts under it ?

(*b*) If the answer to part (*a*) is in the negative are Government prepared to issue instructions to the Committee to prepare a scheme for giving training to suitable Indians so that they may qualify themselves to hold all such posts after 5 years ?

NUMBER OF OFFICERS OF NON-ASIATIC DOMICILE EMPLOYED UNDER THE INDIAN CENTRAL COTTON COMMITTEE.

†409. **Mr. Abdul Haye** : Will Government please state the total number of officers of non-Asiatic domicile at present employed by the Indian Central Cotton Committee ? How many of them are on short term contracts ? Is it contemplated to appoint Indians to these posts when the contracts of the present incumbents expire ?

RENDERING OF ASSISTANCE BY THE INDIAN CENTRAL COTTON COMMITTEE TO THE CULTIVATORS AT THE TIME OF THE FAILURE OF THE COTTON CROP.

†410. **Mr. Abdul Haye** : Did the Indian Central Cotton Committee render any help to the cultivators at the time of the failure of the cotton crop ? If so, what assistance was given ?

†For answer to this question, see answer to question No. 405.

REVISED SCALE OF PAY FOR TOWN INSPECTORS OF POST OFFICES.

411. **Mr. Anwar-ul-Azim** : (*a*) Is it a fact that Government gave effect from 1st September 1927 to the revised scale of pay to the Town Inspectors of Post Offices attached to the First Class Head Offices ?

(*b*) Are Government aware that some of the Postmasters-General postponed giving effect to the revision from the date notified in the Government orders, and that the officials actually holding the posts on the revised scale were not paid the actual pay of the posts ?

(*c*) If so, what action has been taken by the Government ?

The Honourable Mr. A. C. McWatters : I propose to deal together with questions numbers 411 to 413, 415 to 420 and 431 to 438, answering first question No. 411 by Mr. Anwar-ul-Azim to which the replies are ; (*a*) Yes ; (*b*) and (*c*) Government are not aware that officials actually holding the posts on the revised scale were not paid the actual pay of the posts. They will, however, make enquiries and, if necessary, issue orders on the point.

I observe that these are the first of a long series of questions by Members of the House, arising out of the operation of orders issued by the Government of India in August and September, 1927, and of an interpretation of these issued with the approval of the Government of India, by the Director-General, Posts and Telegraphs, in February 1928. These orders related to the revision of the pay and duties of Town Inspectors attached to first class Head Post Offices. They have resulted, in some cases, in the displacement of some of the officials who, on the date from which the orders originally took effect, namely, the 1st September, 1927, were the actual incumbents of the posts named. In other cases the existing incumbents have been retained in their appointments. The orders to which I have referred necessarily left to the heads of administrative Postal Circles the final decision as to the application in individual cases of general principles which had been laid down. The decisions reached have given rise to a number of representations addressed to the Director-General and to the Government of India from different Service Associations and individuals interested. These representations have received the most careful consideration of the Director-General whose recommendations are now before me and will receive my close attention together with the various points raised by Honourable Members in these questions.

PROMOTIONS OF POSTAL OFFICIALS OF THE MUFASSIL TO THE LOWEST SELECTION GRADE POSTS IN THE GENERAL POST OFFICE CADRE.

†412. **Mr. Anwar-ul-Azim** : (*a*) Will Government be pleased to say whether there is a Departmental standing procedure to the effect that " promotions up to and including the former grade of Rs. 175—225 should be confined to the officials within the respective General Post Office cadre, and that the officials of the post office after attaining that grade permanently should be graded with the mufassil officials for the purposes of promotion to the next higher grade, *viz.*, Rs. 250—350 ?

(*b*) Are Government aware that the above standing procedure has not been acted on by some Postmasters-General who have brought mufassil

†For answer to this question, see answer to question No. 411.

officials of the ordinary time-scale of pay to the lowest selection grade posts in the General Post Office cadre ?

(c) If so, what action, if any, has been taken by the Government to redress the grievances thus caused to the officials of the General Post Office cadre ?

REVISION OF PAY OF CERTAIN CLASSES OF POSTAL OFFICIALS.

†413. **Mr. Anwar-ul-Azim** : (a) Is it a fact that the Director-General's budget estimate for the year 1927-28 was based on the personal pay of the permanent holders of the posts in the four classes of officials specified in paragraph (1) of the Government Orders 11 P. T. E., dated the 5th August 1927 ? If not, will Government be pleased to state the basis of calculating the total amount Rs. 1,80,000 for the above budget estimate as sanctioned by the Standing Finance Committee in January 1927 ?

(b) Is it a fact that Government revised the pay of four classes of officials in paragraph 1 of their Orders, dated August 1927, issued by the Department of Industries and Labour ?

(c) If so, has the effect of the revised scale of pay been given to all the four classes with the same condition, *viz.*, exemption from examination as appeared in the improvements passed by the Standing Finance Committee in January, 1927, as also in the Government Orders, dated August, 1927, appearing in the *Labour* ?

(d) If not, why not ?

REFUSAL TO CERTAIN CLERKS OF THE CONCESSIONS GRANTED IN CONNECTION WITH THE TRANSFER OF THE HEADQUARTERS OF THE NON-MIGRATORY PORTION OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS FROM CALCUTTA TO DELHI.

†414. **Mr. Anwar-ul-Azim** : (a) With reference to my starred questions Nos. 482 and 488 answered on the 19th and 20th March, 1928, will Government be pleased to lay on the table a statement showing the names of clerks who have been refused the concessions only because they were recruited in Simla and Delhi, showing their emoluments monthly and annually ?

(b) Are these clerks, since the date of their recruitment drawing the allowances admissible under the Simla Allowance Code throughout the year whether in Simla or Delhi ?

(c) Were these clerks given the Simla allowances against the pay which they were entitled to owing to their recruitment in Simla ?

(d) Were the Simla allowances consolidated in the case of the employees of other offices ? If so, why was it not done in the case of clerks of the Director-General's Simla Office ?

(e) Do Government propose to look into the case of these clerks sympathetically and give them an assurance that they will be a permanent unit for service in the Director-General's Simla office and if removed shall be duly compensated ?

†For answer to this question, see answer to question No. 411.

The Honourable Mr. A. C. McWatters : (a) A statement will be furnished to the Honourable Member.

(b) and (c). A portion of the Director-General's Office is required to move between Delhi and Simla and the Wireless Branch of the office is located at Simla. So long as any of these clerks is attached to the moving portion or to the Wireless Branch he draws compensatory allowance throughout the year under the Simla Allowances Code. The place of recruitment does not affect the question.

(d) Yes, in some cases. It would be administratively inconvenient however to consolidate the pay and allowances of the portions of the Director-General's office which I have just mentioned as they are only part of a larger office the bulk of which is non-migratory and stationed at Delhi.

(e) Government have already exhaustively examined the case of the clerks in question.

As regards what may be necessary if and when any portion of the staff is permanently removed from Simla, this is a hypothetical case which Government are not willing to discuss in anticipation.

POWERS OF APPOINTMENT, TRANSFER AND PUNISHMENT OF SUBORDINATES VESTED IN THE TOWN INSPECTORS OF POST OFFICES IN MADRAS.

†415. **Mr. Satyendra Chandra Mitra** : (a) Is it a fact that the Town Inspectors of Post Offices are not authorised to appoint, transfer, and punish their subordinates and to maintain their character sheets in accordance with Rule 346 of the Post Office Manual Volume 2 ?

(b) Is it a fact that the Town Inspectors of Post Offices in the Madras Town have been issuing orders appointing, granting leave and transferring their subordinates and maintaining their character sheets for many years ?

DUTIES OF THE TOWN INSPECTORS OF POST OFFICES IN MADRAS AND CALCUTTA, RESPECTIVELY, ETC.

†416. **Mr. Satyendra Chandra Mitra** : Will Government be pleased to lay on the table the following information :

(a) a list of the duties done by the Town Inspectors of the Post Offices in the Madras Town ;

(b) a list of the duties done by the Town Inspectors of Post Office in Calcutta Town ;

(c) total number of postal Town Inspectors in Calcutta and how many of them were transferred to the clerical line, after 1st September 1927 ; and

(d) total number of Postal Town Inspectors in Madras city and how many of them have been transferred to the clerical line after 1st September 1927 ?

†For answer to this question, see answer to question No. 411.

STARTING RATES OF PAY OF TOWN INSPECTORS OF POST OFFICES IN CALCUTTA AND MADRAS BEFORE THE INTRODUCTION OF THE TIME SCALE OF PAY IN 1920.

†417. **Mr. Satyendra Chandra Mitra** : (*a*) Will Government be pleased to state the starting pay in the case of a postal Town Inspector in Calcutta, before the introduction of the time-scale of pay in 1920 ?

(*b*) What is the starting pay in the case of a postal Town Inspector in Madras city prior to the introduction of the time-scale of pay in 1920 ?

DUTIES OF THE CLERKS OF THE GENERAL POST OFFICE, MADRAS, ETC.

†418. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the duties attached to the clerks of the Madras General Post Office and its town sub-offices were the same prior to the 1st September, 1927, in comparison with the duties of Town Inspectors of Post Offices in Madras City ?

(*b*) If not, which class had to perform superior duties ?

DUTIES OF THE TOWN INSPECTORS OF POST OFFICES.

†419. **Mr. Abdul Latif Sahib Farookhi** : (*a*) Is it a fact that the Town Inspectors of Post Offices attached to the First Class Head Post Offices are required to perform more duties than those specified in Chapter 4 of the Post Office Manual, Volume 2 ?

(*b*) If so, what are those duties ?

(*c*) Will Government be pleased to state where the duties are laid down for the Town Inspectors of Post Offices attached to the Post Offices other than the First Class Head Post Offices ?

(*d*) Is there a provision in the Fundamental Rules issued under the authority of the Secretary of State in Council to the effect that "any two posts are said to be equal if the duties attached to the two posts are the same in character or degree of responsbility" ? If so, are Government aware that the postal Town Inspector attached to the First Class Head Offices had the authority both before and after 1st September, 1927, to certify the fitness or otherwise of clerks and Sub-Postmasters in the jurisdiction of the Town Inspector and to control and supervise the work of the Sub-Postmasters and the clerks whether the latter classes of officials were with more years' service than the Town Inspector ?

REVISION OF THE PAY OF TOWN INSPECTORS OF POST OFFICES, ETC.

†420. **Mr. Abdul Latif Sahib Farookhi** : (*a*) Will Government be pleased to say :

(*i*) whether it is a fact that for the recent revision of the Town Inspector's pay, the Town Inspectors attached to some of the First Class Head Post Offices have been made to work under the clerks whose work the Town Inspectors have been supervising for years together ;

†For answer to this question, see answer to question No. 411.

(*ii*) the total period the Town Inspectors who have been reverted to the clerical line worked in the post on the revised scale of pay from 1st September, 1927 ;

(*iii*) whether their work in those posts on the revised scale for the period they were in those posts have been recommended by their immediate superiors as satisfactory ?

(*b*) Are Government aware that no reasons for removal were recorded in the Orders of the Postmasters-General transferring the permanent Town Inspectors from their permanent posts of Town Inspectors to the subordinate rank of clerks ?

TOTAL AMOUNT OF COAL USED FOR HOT WATER FOR BATHS OF HONOURABLE MEMBERS LIVING IN THE CART ROAD AND SUMMER HILL QUARTERS, SIMLA, DURING THE LAST FOUR YEARS.

421. **Mr. Gaya Prasad Singh** : Will Government please state the total amount of coal, and its value, consumed for hot water for the baths of Honourable Members living in the Cart Road quarters, and Summer Hill quarters, during the last four years, separately for each year ?

The Honourable Mr. A. C. McWatters : The information required is as follows :

Year.	Quantity.		Amount.
	Charcoal.	Firewood.	
	Mds.	Mds.	Rs. as.
1924-25	72	4	26[illegible]
1925-26	179¼	17½	586 12
1926-27	171	14	578 15
1927-28	333	41	906 15

NOMINATIONS TO THE INDIAN CIVIL SERVICE.

422. **Sardar Kartar Singh** : Is it a fact (*a*) that, since 1922, in the majority of or in many of the cases of sections of Hindu, Muhammadan and Christian qualified candidates for nomination to the I. C. S. in India, similar candidates, higher in the pass list, were passed over ; (*b*) that considerations other than merit in the examination weighed in making these selections ; (*c*) that the principles observed in so doing are still in force equally for the Sikh community ?

The Honourable Mr. J. Crerar : Since the establishment of the Public Service Commission the practice is for the Government of India

to indicate the communities from which they desire to make nominations and for the Commission to recommend the particular individuals. It is probable that normally the Commission consider that the candidate who stands highest in the examination list is the most suitable and make their recommendations accordingly.

BOOK BY CAPTAIN R. E. PARRY, ENTITLED "THE SIKHS OF THE PUNJAB."

423. **Sardar Kartar Singh** : (*a*) Have Government seen a book, called "The Sikhs of the Punjab" by Captain R. E. Parry, of the Indian Army, and what he describes to be "The Outward signs of Sikhism", such as wearing "Kes" or long hair, bearing the title of "Singh" as part of the name, initiation into "Pohl" or Sikh baptism, and abstinence from tobacco ?

(*b*) Is it a fact that only persons observing the essentials mentioned in (*a*) were recruited, as Sikhs, (*i*) in Sikh regiments and companies, and in the Indian Army Department, (*ii*) also in the Civil Departments before the year 1928 ?

Mr. G. M. Young : (*a*) No, Sir.

(*b*)-(*i*) Ordinarily only those Sikhs observing the essentials mentioned in part (*a*) of the question are accepted in units of the Indian Army. The acceptance or rejection of any Sikh recruit on religious grounds is decided by the Gurdwara Committee of the unit.

(*ii*) No principle has ever been laid down in the Civil Department.

NOMINATION OF MR. TARLOCHAN DAS BEDI TO THE INDIAN CIVIL SERVICE.

424. **Sardar Kartar Singh** : Is it a fact that by "One Sikh" "appointed by nomination" to the I. C. S. in India this year, mentioned in the Honourable the Home Member's answer to Dr. Moonje's question in this Session the other day regarding the I. C. S., is meant one Tarlochan Dass Bedi, son of Bawa Ishwar Dass, of Dera Baba Nanak, Punjab ?

The Honourable Mr. J. Crerar : Yes.

NOMINATION OF A SIKH TO THE INDIAN CIVIL SERVICE.

425. **Sardar Kartar Singh** : (*a*) Are Government aware of the fact that the selection of Tarlochan Dass as a Sikh has caused discontent and dissatisfaction among Sikhs ?

(*b*) Is it a fact that the feeling of the Sikh community to the effect that the I. C. S. post reserved for the community and given to Tarlochan Dass should be given to a qualified Sikh candidate and that the one given to the former be treated as an additional post, has been conveyed to the Government ?

(*c*) Do Government propose to take favourable action regarding (*b*) and thus remove the just cause for discontent and dissatisfaction ?

The Honourable Mr. J. Crerar : (*a*) The Honourable Member's attention is invited to my reply to part (7) of Sardar Gulab Singh's question No. 32 on the 4th instant.

(*b*) The suggestion was made in some of the representations received.

(*c*) Government do not see their way to take any action in the matter.

MEMORIAL OF THE STAFF OF THE ACCOUNTS DEPARTMENT OF THE EAST INDIAN RAILWAY.

426. **Mr. K. C. Neogy** : (*a*) Has the attention of Government been drawn to a statement that appeared in the *Forward* of the 20th May last, under the headings "E. I. Railway—How they treat their employees.—Accounts Department Staff" ?

(*b*) If so, are Government in a position to say whether or not the grievances mentioned therein are generally based on facts ?

(*c*) Is it a fact that the Financial Commissioner, Railways, withheld memorials addressed to the Governor General in Council by the East Indian Railway Accounts staff on this subject ? If so, on what grounds, and under what rules ?

(*d*) What enquiries were made by the Financial Commissioner into the grievances mentioned in the said memorials, and with what result ?

(*e*) Why is it that the East Indian Railway Accounts office staff have not been placed on a time-scale of pay, while similar staff on the Eastern Bengal, Oudh and Rohilkhand and North-Western Railways have been so placed ?

Mr. A. A. L. Parsons : (*a*) Yes, by the Honourable Member's question.

(*b*) Some of the statements made are correct.

(*c*) Yes, the memorials were withheld under the ordinary rules governing the submission of memorials by railway subordinates.

(*d*) The results of my investigation are contained in the reply, a copy of which I am sending to the Honourable Member.

(*e*) The scales of pay in the East Indian Railway Accounts Office are time scales.

FILLING UP OF VACANCIES IN THE HIGHER APPOINTMENTS OF THE ACCOUNTS DEPARTMENT OF THE EAST INDIAN RAILWAY.

427. **Mr. K. C. Neogy** : (*a*) Is it a fact that most of the vacancies in the higher appointments of the subordinate staff of the East Indian Railway Accounts Department have been, and are being, filled up by outsiders on recommendations or personal requests emanating from the Railway Board office ; and that as a result qualified and experienced men of the East Indian Railway Accounts office fail to obtain promotion to these vacancies ?

(*b*) Do Government propose to enquire from the Chief Accounts Officer, East Indian Railway, as to how many of such vacancies have so far been filled by men recommended by an officer or officers of the Railway Board ?

(c) Is it the view of Government that the Chief Accounts Officer, East Indian Railway, is not competent to make his own selection from among his staff for promotion to these vacancies ?

(d) Is it a fact that about forty temporary posts have lately been created for the purpose of pulling up arrears of the Provident Fund and Stores Accounts branches of the East Indian Railway Accounts Department, resulting from the introduction of accounting machines ; and that all these temporary posts have been filled up by men selected by an officer or officers of the Railway Board ? If so, why ?

(e) Is it a fact that the East Indian Railway Central Construction Accounts Office is manned almost exclusively by a staff either imported from other railways by the Railway Board or recruited direct by or on behalf of the Railway Board ? If so, why ?

(f) Is it a fact that one Mr. Myers who had previously been discharged by the Eastern Bengal Railway on the score of inefficiency, has been made an Accounts Officer on the East Indian Railway, on the personal recommendation of an officer of the Railway Board to whom he is alleged to be related ?

Mr. A. A. L. Parsons : (a) No.

(b) and (c). The answer to (c) being in the negative, Government do not think there is any necessity to obtain the information asked for in (b).

(d) 24 temporary posts have been created for bringing up arrears which I should add are not the result of the introduction of accounting machines.

The selections for these temporary posts were made by the Chief Accounts Officer.

(e) The staff was intended for special work and included a training reserve. It was partly recruited from qualified men from other offices.

(f) Mr. Myers was taken as a senior accountant on the East India Railway when his post in the office of the Agent, Eastern Bengal Railway was about to be brought under reduction. He has lately been appointe Crew Accounts Officer by the Financial Commissioner of Railways. The allegations that he was appointed on the recommendation of an officer of the Railway Board related to him and that he had been previously discharged on the score of inefficiency are untrue.

ALLEGED IRREGULARITIES AND CORRUPT PRACTICES IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

428. **Mr. K. C. Neogy** : (a) Has the attention of Government been drawn to a publication named " The Survey of Railway Clearing Accounts Office (India) and Schemes and their pernicious effects ", printed and published by Ahmed Said, at the Army Press, Lahore ?

(b) If so, what inquiries have been made by Government into the allegations made therein about irregularities and corrupt practices prevailing in the Railway Clearing Accounts Office, Delhi ? When were the inquiries made, by whom and with what result ?

(c) Has the attention of Government also been drawn to similar allegations published in the Indian Press from time to time ?

(d) Are Government in a position to make any definite statement regarding the correctness or otherwise of the different imputations, contained in the said publication and newspapers, against certain officers of the said office ? Will Government be pleased to lay on the table any report of any inquiry which may have been made in this matter ?

Mr. A. A. L. Parsons : (a) Yes.

(b) The Government did not think it worth while to undertake an enquiry into allegations of this nature.

(c) and (d). I would refer the Honourable Member to my reply to Haji Abdoolla Haroon's question No. 82 of 1st February, 1928.

WORKING COST OF THE EAST INDIAN RAILWAY FOREIGN TRAFFIC IN THE RAILWAY CLEARING ACCOUNTS OFFICE FOR THE YEAR 1927-28.

429 **Mr. K. C. Neogy** : (a) Is it a fact that the working cost of the East Indian Railway foreign traffic in the Clearing Accounts Office for the year 1927-28 has been about Rs. 5,00,000, against a budget estimate of Rs. 2,80,000 ? What was the average normal cost of this work in the East Indian Railway office prior to the creation of the Clearing Office ?

(b) Will Government be pleased to make a statement showing the total number of persons employed in the Clearing Accounts Office in different grades ; how many of them were taken from the staff of the different Railways, and how many were recruited direct ?

(c) Will Government be pleased also to make a comparative statement showing the actual number of men transferred from each Railway for the work transferred to the Clearing Office and the actual number of men employed on such work at present ?

Mr. A. A. L. Parsons : (a) The two figures are not strictly comparable with each other. The estimate of Rs. 2,80,000 was an estimate of the cost of the establishment required in the Clearing Accounts Office for the work of the East Indian Railway transferred thereto. The actual amount debited to the East Indian Railway, which is approximately 5 lakhs, includes in addition its share of non-recurring expenditure such as travelling allowance and concessions to the staff transferred, the cost of a year's supply of cards as a working balance and leave salaries of certain senior officers who took leave shortly after joining the Clearing Accounts Office. The total grant allotted to the Clearing Accounts Office for 1927-28 was Rs. 10,91,000 and the expenditure was Rs. 48,000 less.

The average normal cost of this work previously on the East Indian Railway was 4½ lakhs.

(b) The total number of ministerial staff is 862, of whom 696 were taken from other railways.

(c) The information will be obtained and supplied to the Honourable Member.

COMPLAINTS FROM RAILWAYS WHO ARE NOT PARTIES TO THE RAILWAY CLEARING ACCOUNTS OFFICE, OF IRREGULARITIES.

430. **Mr. K. C. Neogy** : (a) Is it a fact that complaints are being received from Railways who are not parties to the Clearing Office, of irregularities ?

(*b*) Has the Bengal Duars Railway, for instance, complained that it did not receive its apportionment of freight balance of through traffic transactions from April to November 1927 ?

(*c*) Is it a fact that the Clearing Accounts Office in its Coaching Division Sheets showed the East Indian Railway to be in debit to the North Western Railway for May and June 1927, while the case was actually the reverse of it ?

(*d*) Will Government be pleased to state what enquiries have been made into these irregularities, by whom and with what result ?

Mr. A. A. L. Parsons : The answer to parts (*a*), (*b*) and (*c*) is in the negative and part (*d*) does not arise.

POWERS OF APPOINTMENT, TRANSFER AND PUNISHMENT OF SUBORDINATES VESTED IN THE TOWN INSPECTORS OF POST OFFICES.

†431. **Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the Town Inspectors of Post Offices are not authorised to appoint, transfer and punish their subordinates and to maintain their character-sheets in accordance with Rule 346 of the Post Office Manual Vol. 2 ?

(*b*) Is it a fact that the Town Inspectors of Post Offices in the Madras Town have been issuing orders appointing, granting leave and transferring their subordinates and maintaining their character-sheets for many years ?

DUTIES OF THE TOWN INSPECTORS OF POST OFFICES IN MADRAS AND CALCUTTA RESPECTIVELY, ETC.

†432. **Rao Bahadur M. C. Rajah** : Will Government be pleased to lay on the table the following information :

(*a*) a list of the duties done by the Town Inspectors of Post Offices in the Madras Town :

(*b*) a list of the duties done by the Town Inspectors of Post Offices in Calcutta Town :

(*c*) total number of postal Town Inspectors in Calcutta and how many of them transferred to clerical line, after 1st September 1927 : and

(*d*) total number of postal Town Inspectors in Madras City and how many of them have been transferred to the clerical line after 1st September 1927 ?

STARTING PAY OF A TOWN INSPECTOR OF POST OFFICES IN CALCUTTA AND MADRAS BEFORE THE INTRODUCTION OF THE TIME-SCALE OF PAY IN 1920.

†433. **Rao Bahadur M. C. Rajah** : Will Government be pleased to say :

(*a*) the starting pay in the case of a postal Town Inspector in Calcutta, before the introduction of the time scale of pay in 1920 : and

(*b*) the starting pay in the case of postal Town Inspector in Madras city prior to the introduction of the time scale of pay in 1920 ?

†For answer to this question, see answer to question No. 411.

DUTIES OF CLERKS OF THE GENERAL POST OFFICE, MADRAS.

†434. **Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the duties attached to the clerks of the Madras General Post Office and its town sub-offices were the same prior to the 1st September 1927 in comparison with the Town Inspectors of Post Offices in Madras City ?

(*b*) If not, which class had to perform superior duties ?

STARTING PAY OF POSTAL CLERKS AND TOWN INSPECTORS OF POST OFFICES IN BOMBAY TOWN PRIOR TO THE INTRODUCTION OF THE TIME-SCALE OF PAY.

†435. **Mr. Narayan Prasad Singh** : Is it a fact that prior to the introduction of the time-scale of pay in the Post Office :

(*a*) the starting pay in the case of a postal clerk in the Bombay town was Rs. 20,

and

(*b*) the starting pay in the case of Postal Town Inspectors in Bombay town was Rs. 100 ?

MINIMUM PAY OF CLERKS AND TOWN INSPECTORS OF POST OFFICES IN BOMBAY TOWN AFTER THE INTRODUCTION OF THE TIME-SCALE OF PAY.

†436. **Mr. Narayan Prasad Singh** : Will the Government be pleased to say :

(*a*) the minimum pay to which the pay of the clerks in the Bombay Post Offices was raised from Rs. 20 after the introduction of the time scale of pay in the Post Office : and

(*b*) the minimum pay to which the pay of the Town Inspectors in the Bombay Town was raised from Rs. 100 after the introduction of the time scale of pay ?

NON-REVISION IN 1920 OF THE PAY OF TOWN INSPECTORS OF POST OFFICES IN BOMBAY TOWN.

†437. **Mr. Narayan Prasad Singh** : Is it a fact that in 1920 no revision was made in the case of the postal Town Inspectors in the Bombay Town for the betterment of their pay like that sanctioned to other classes of postal employees ?

If not, why not ?

TOWN INSPECTORS OF POST OFFICES IN BOMBAY TOWN.

†438. **Mr. Narayan Prasad Singh** : (*a*) Is it a fact that the Town Inspectors of the Bombay Town have been inspecting since long years the sub-post offices in-charge of postmasters in the selection grades ?

(*b*) Is it a fact that the permanent Town Inspectors, who have been exercising the aforesaid powers and other supervisory powers over the clerks, senior or junior, have been replaced by men from the subordinate clerical line ?

†For answer to this question, see answer to question No. 411.

(c) Is it a fact that the permanent Town Inspectors who were originally taken as recruits from clerks for the Rs. 100 grade of Town Inspectors have been working without duty allowance which the Director-General decided to grant to them in his communication No. AX-106, dated 3rd October, 1921, for the arduous nature of their duties ?

(d) If so, what steps, if any, have been taken by the Government ?

DEMOLITION OF RUBBISH BINS IN KASAULI CANTONMENT.

439. **Pandit Thakur Das Bhargava** : 1. Are Government aware that in 1926, the Cantonment Authority, Kasauli, required house-owners to provide rubbish bins in their compounds and the same were accordingly provided by them ?

2. Is it a fact that in January 1928, the Board resolved to ask the house-owners to demolish those bins ?

3. Is it a fact that on receiving intimation about this, the house-owners asked the Cantonment Board to compensate them for the demolition under the terms of section 138 (3) of the Cantonments Act of 1924 ?

4. Is it a fact that instead of proceeding in the matter according to the section quoted above, the Cantonment Board has now issued notices asking the house-owners concerned to demolish the rubbish bins within 14 days failing which the same are to be demolished through the Cantonment agency ?

5. Will the Government be pleased to state why the claim of the house-owners for the cost of rubbish bins to be demolished, is ignored when the bins were constructed at the instance of the Cantonment Authority ?

6. Do Government propose to direct the Cantonment Authority of Kasauli either to withdraw their order regarding demolition of bins or to pay the cost thereof to the owners of the houses ?

Mr. G. M. Young : The matter is one for the Cantonment Authority to deal with, and the Government of India do not propose to interfere. A copy of the Honourable Member's question has however been conveyed to the Cantonment Authority.

REMOVAL OF LALA MAHABEER PERSHAD FROM THE FINANCE COMMITTEE OF THE CANTONMENT BOARD, LUCKNOW.

440. **Pandit Thakur Das Bhargava** : 1. Are Government aware that the Finance Committee, Lucknow Cantonment Board, passed the following Resolution on 18th May, 1928 :

"Resolved that as the continuous absence of Lala Mahabeer Pershad from the sub-committee meetings and his objectionable habit of keeping the Executive Officer in ignorance of his intention to absent himself till up to the Committee time is over, not only causes a great deal of inconvenience and trouble to the members but also leads to great delay in the disposal of public work, his conduct should be brought to the notice of the Board with the recommendation that he should be removed from this committee and Rai Sahib Parbhu Dayal should be appointed in his place."

2. Is it a fact that this Resolution was confirmed by the Cantonment Board in its meeting of 28th May 1928 ?

3. Are Government aware that Mr. Mahabeer Pershad in his registered letter, dated 22nd August, 1928, to the G. O. C.-in-Chief, Eastern Command, pointed out that the statement of his continued absence from Finance Committee meetings made in the Resolution quoted above was absolutely false and that during the period of 2½ years for which he had served upon the Finance Committee, he was absent only from one meeting, and that for the one in which the said resolution was passed ?

4. Is it a fact that even in the Finance Committee held on 18th May, from which Mr. Mahabeer Pershad was absent, he had written in time to the Executive Officer about his having been forced by circumstances not to attend the meeting ?

5. Are Government prepared to enquire how far the statement of the Finance Committee is correct and to direct the Cantonment Board to reinstate Mr. Mahabeer Pershad in his seat in the Finance Committee if the statement is found to be wrong ?

Mr. G. M. Young : I am making enquiries and will let the Honourable Member know the result.

USE OF DRINKING WATER FOR IRRIGATION PURPOSES IN AMBALA CANTONMENT.

441. **Pandit Thakur Das Bhargava** : 1. Are Government aware that a non-official member of the Cantonment Board, Ambala, brought to the notice of the Cantonment Board that water supplied for drinking in the Robert's Pavilion was being used for purposes of irrigation ?

2. Is it a fact that no action has been taken by the Cantonment Board, Ambala, to stop this mis-use of drinking water ?

3. Is it a fact that there are several applications for public hydrants and the Assistant Health Officer has reported that there is the danger of the outbreak of an epidemic owing to the people using unwholesome water for drinking on account of their not getting enough drinking water ?

4. Do the Government propose to insist that stringent action be taken to prevent pipe water being used for irrigation purposes, and issue directions for the same ?

Mr. G. M. Young : It is neither possible nor desirable for the Government of India to interfere with the Cantonment Authority in a matter of this kind. The attention of the Honourable Member is drawn to section 51 (2) of the Cantonments Act, which provides for the control of Cantonment Boards in matters affecting public health, safety and convenience.

STOPPAGE OF THE IMPORT OF ICE IN AMBALA.

442. **Pandit Thakur Das Bhargava** : 1. Are Government aware that on 27th July 1928, the Cantonment Board passed a Resolution stopping the import of ice in Ambala ?

2. Is it a fact that the Resolution in question directed the Health Officer to notify when the cholera epidemic prevailing in some place or places not specified in the Resolution, subsided ?

3. Is it a fact that after the said Resolution was passed, the Manage: f the Patel Ice Factory, Saharanpore, saw the Health Officer and th estriction was removed in the case of the above Factory by the Executiv fficer without any reference to the Cantonment Board or without having ecourse to section 25 of the Cantonments Act ?

4. Is it a fact that the Resolution in question gave no power to th Health Officer and to the Executive Officer, to suspend its action in case o: heir being satisfied either with the hygienic conditions of the Factory o with the wholesome character of the ice manufactured therein ?

5. Are Government aware that this action of the Executive Officer ha caused great resentment among those connected with the sale of ice ?

6. Will Government be pleased to state why the Executive Officer sus pended the action of the Cantonment Board Resolution referred to above without reference to the Cantonment Board or without having recourse t the emergent provisions of section 25 of the Cantonments Act ?

7. What steps do Government propose to take to effectively stop suc action on the part of the Executive Officer ?

Mr. G. M. Young : Quesions Nos. 442 and 446 are answered together It is within the competence of the Cantonment Board to dispose of th matters contained in these questions. The Government of India see n reason to interfere.

HOLDING OF MEETINGS IN CAMERA BY THE CANTONMENT BOARD, AMBALA

443. **Pandit Thakur Das Bhargava** : 1. Is it a fact that in the meetings of the Cantonment Board, Ambala, held in June, July and August, there were items that were discussed in camera under the arbitrary instructions of the President ?

2. Are Government aware that no note of these ' discussions ' held in camera was made in the proceedings nor were any reasons given as to why the discussions were held in camera, as was required by section 42 of the Cantonments Act ?

3. Will Government be pleased to state what action it proposes to take against the President for non-compliance with the provisions of section 42 of the Cantonments Act with a view to stop the repetition of holding meetings in camera and non-compliance with the provisions of section 42 of the Cantonment Act ?

Mr. G. M. Young : Government have no information but are making inquiries.

ALLEGED INSULT TO A SHOPKEEPER BY COLONEL WILLIAM, HEALTH OFFICER, AMBALA.

444. **Pandit Thakur Das Bhargava** : 1. Has the attention of Government been drawn to a note that has appeared in the Cantonment Advocate of June 1928, under the heading " An Irate Colonel " ?

2. Is it a fact that the officer to whose conduct the note referred was Colonel William, the Health Officer, Ambala ?

3. Is it a fact that as stated in the Advocate, he used the words " A damn Ass " to a respectable shopkeeper while passing through the Grain Market ?

4. Are Government aware that the shopkeeper insulted, intended to take legal action in the matter, but it was dropped through the intervention of the non-official members ?

5. Are Government prepared to take steps to impress upon the military officers, entrusted with the civic duties, to avoid discourtesy in all forms to the people with whom they come in contact in the discharge of their duties ?

Mr. G. M. Young : Government have seen the note referred to. They have no intention of investigating so trivial an incident as that alleged to have taken place.

CONDUCT OF THE CORRESPONDENCE OF THE CANTONMENT BOARD BY COLONEL MORAN, EXECUTIVE OFFICER, AMBALA.

445. **Pandit Thakur Dass Bhargava** : 1. Is it a fact that Colonel Moran, Executive Officer, Ambala, has been carrying on correspondence with the Northern Command and the Government on behalf of the President, during the latter's absence from the station due to the shifting of his headquarters to Kasauli.

2. Is it a fact that during this time the correspondence was carried on, the Vice-President was all the time at the station ?

3. Will Government be pleased to state :

(*a*) If it is admissible for the Executive Officer under the Act to ignore the Vice-President during the absence of the President from the station and to carry on correspondence himself on behalf of the latter ?

(*b*) If so, under what section of the Cantonments Act is this procedure admissible ?

Mr. G. M. Young : 1. The Government of India have received no letters signed by the Executive Officer of the Ambala Cantonment. They are not aware how correspondence with the Command has been conducted, but it is the normal function of the Executive Officer, as Secretary of the Board, under section 13 of the Act, to conduct the Board's correspondence.

2. The Government of India have no information.

3. (*a*) and (*b*). There is no question of ignoring the Vice-President. The Vice-President's function is to perform the statutory duties of the President during his absence and the conduct of correspondence is not one of those duties. On the other hand it is one of the duties of the Executive Officer under section 13 of the Act, and he performs that duty on behalf of the Board and not on behalf of the President or the Vice-President.

STOPPAGE OF THE IMPORT OF ICE OF THE SIRHIND ICE FACTORY IN AMBALA CANTONMENT.

†446. **Pandit Thakur Das Bhargava** : 1. Is it a fact that the Assistant Health Officer recommended the stopping of the import of the ice of

†For answer to this question, see answer to question No. 442.

the Sirhind Ice Factory on the ground that the Health Authorities, Ambala, could not be sure if the Factory was being run on sanitary lines ?

2. Is it a fact that the Cantonment Board stopped the import of all ice from outside in Ambala Cantonment in its meeting of 27th July, 1928 ?

3. Are Government aware that as a result of this action of the Cantonment Board, the Manager of the Sirhind Factory had to take the Assistant Health Officer, Ambala, to Sirhind on payment of a heavy fee ?

4. Will Government be pleased to state :

(*a*) whether they approve of the action of the Assistant Health Officer to undertake the inspection of the Factory after his having moved the stopping of the import of its ice without the permission of the Cantonment Board : and

(*b*) if the Assistant Health Officer took permission for leaving the station for that purpose ?

5. Are Government aware that the above proceeding on the part of the Assistant Health Officer had led to an impression among the people that they should get the Factory inspected by the Assistant Health Officer before the manufactured ice can be allowed to be sold in the Ambala Cantonment ?

NOTIFICATION IN THE LOCAL GAZETTE OF THE NAMES OF ELECTED OR NOMINATED MEMBERS OF CANTONMENT BOARDS BEFORE THEY CAN SIT ON THE BOARD.

447. Pandit Thakur Dass Bhargava : 1. Is it a fact that under the Cantonments Act, 1924, no elected or nominated member can sit on the Board unless his name has been notified in the local gazette ?

2. Are Government aware that one Major Steel was allowed to sit on the Cantonment Board meeting of 24th August, 1928, though his name had not yet been notified in the Punjab Gazette ?

3. Will Government be pleased to state :

(*a*) Who was responsible for this illegality ?

(*b*) What action do the Government propose to take against him ?

(*c*) What steps do Government propose to take to prevent the recurrence of such an illegality in the future ?

Mr. G. M. Young : (1) The law on the subject is contained in sections 14 (2), and 15 (3) and (4) of the Cantonments Act, 1924.

(2) and (3). Inquiries are being made and the Honourable Member will be informed in due course.

NOTICE ISSUED UNDER SECTION 239 OF THE CANTONMENTS ACT TO MR. GANESH PERSHAD OF JUBBULPORE CANTONMENT.

448. Pandit Thakur Dass Bhargava : 1. Are Government aware that one Mr. Ganesh Pershad of Jubbulpore received alleged rude treatment from Captain Ram Mohan, Assistant Health Officer, Jubbulpore, on 2nd June 1927 ?

2. Is it a fact that instead of Captain Ram Mohan's making amends for his objectionable behaviour, the Executive Officer, Jubbulpore, wrote a letter No. 631, dated 9th June 1927, to Mr. Ganesh Pershad, demanding from him an apology within seven days for obstructing Captain Ram Mohan in doing his duty on 2nd June, 1927, at 6-30 P.M. ?

3. Are Government aware that after the above letter was issued, the Brigade Commander, Colonel C. J. B. Hay, served upon Mr. Ganesh Pershad a notice No. 708, dated 17th June 1927, under section 239 of the Cantonments Act, to show cause why he should not be excluded from the Cantonment ?

4. Is it a fact that this notice, though issued by the Colonel Commandant from the Brigade Headquarters, was sent by the Executive Officer under an A. D. registered cover ?

5. Are Government aware that the notice under section 239 was subsequently withdrawn by the letter of the Executive Officer, Jubbulpore, No. 756, dated 22nd June 1928 ?

6. Are Government aware that section 239 of the Cantonments Act can be applied only when there is an actual or apprehended tampering with the loyalty of troops ?

7. Will Government be pleased to state how the causing of alleged obstruction to a public servant in the performance of his duty, even if true, could be a legitimate reason for the use of section 239 of the Cantonments Act ?

8. Are Government aware that the issuing of the above notice was regarded by the people of Jubbulpore as a palpable abuse of section 239 and caused great consternation among them ?

9. Do Government propose to take suitable action against Colonel Hay for attempting to misuse section 239 and take steps to prevent such an attempt in any Cantonment of India in future ?

10. Will Government be pleased to state why the notice served by Colonel Hay under section 239 was subsequently withdrawn and to lay upon the table the apology that may have been asked from Mr. Ganesh Pershad ?

Mr. G. M. Young : Government have no information about this matter. Enquiries are being made and the results will be communicated to the Honourable Member in due course.

ISSUE OF A NOTICE UNDER SECTION 239 OF THE CANTONMENTS ACT TO MR. RAJA RAM OF JUBBULPORE CANTONMENT.

449. Pandit Thakur Das Bhargava : 1. Are Government aware that Colonel Commandant C. J. B. Hay of Jubbulpore Brigade issued a notice under section 239 of the Cantonments Act on Mr. Raja Ram of Jubbulpore in June 1928 ?

2. Is it a fact that the issuing of the notice was due to certain differences between Mr. Raja Ram and the Assistant Health Officer Captain Ram Mohan of Jubbulpore ?

3. Are Government aware that this notice was subsequently withdrawn ?

4. Will Government be pleased to state :

(*a*) Why and for what specific acts on the part of Mr. Raja Ram was this notice served upon him ?

(*b*) Why and under what circumstances was it withdrawn ?

5. Are Government aware that the people of Jubbulpore regard it as an act of highhandedness, on the part of the authorities to terrorise people into a silent submission to the alleged illegal acts of the Cantonment Authority of Jubbulpore ?

6. Do Government propose to take suitable steps to allay this feeling ?

Mr. G. M. Young : Government have no information about this matter.

I am making enquiries and will let the Honourable Member know the result as soon as possible.

LOAN TO THE MILITARY AUTHORITIES OF SOME LORRIES PURCHASED BY THE CANTONMENT BOARD, JUBBULPORE, FOR CONSERVANCY PURPOSES.

450. **Pandit Thakur Das Bhargava** : 1. Is it a fact that the Cantonment Board, Jubbulpore, purchased seven lorries in December 1927 for conservancy purposes ?

2. Is it a fact that on two occasions some of these lorries were lent to the local military authorities, for use in manœuvres or for some other military purposes ?

3. Will Government be pleased to state if the Cantonment Board, Jubbulpore, formally sanctioned the lending of these lorries to the military authorities and, if so, under what resolution and on what terms ?

4. Will Government be further pleased to state if it is advisable in the public interest, to lend lorries purchased for an important municipal service to the military authorities ?

5. Will Government be pleased to state the amount of hire the Cantonment Board received from the military authorities for the use of the lorries on each occasion and if the amounts so received were duly credited to the Cantonment Fund ?

6. Is it a fact that the amounts of hire for both the occasions were about Rs. 1,950 and Rs. 984, respectively, and the above amounts were paid to the Cantonment Board by the military authorities ?

7. If the reply to question No. 5 be in the negative, will Government be pleased to state why no " hire " was charged ?

8. If the hire was charged and received as stated in question No. 6, will Government please specify the date on which it was received by the Cantonment Board and the date on which the same was credited to the Cantonment Fund ?

Mr. G. M. Young : Government have no information. Enquiries are being made and the result will be communicated to the Honourable Member in due course.

CONSTRUCTION OF PLATFORMS FOR INGRESS TO AND EXIT FROM HOUSES IN CANTONMENT BAZARS.

451. **Pandit Thakur Das Bhargava** : (*a*) Is it a fact that the Government of India (Army Department) have been pleased to issue a letter No. 316-22|2-A.D. by virtue of which all platforms for ingress to and exit from houses in Cantonment bazars in existence prior to the date of the letter have been deemed to form part of the original grant and allowed to stand ?

(*b*) What have Government proposed to do in respect of future application for construction of platforms for ingress to and exit from houses in Cantonment bazars ; whether the sites adjoining freehold sites are to be given free of charge or they propose to charge rent in respect of such sites also ?

Mr. G. M. Young : (*a*) Yes.

(*b*) All future applications for the grant of sites for the construction of platforms in front of houses in Cantonments will be dealt with under the Cantonment Land Administration Rules, 1925.

NOMINATION OF A NON-OFFICIAL MEMBER TO THE CANTONMENT BOARD, PESHAWAR.

452. **Pandit Thakur Das Bhargava** : (*a*) What are the considerations to which the Government pay regard while nominating non-official members to the Cantonment Boards ?

(*b*) Is dismissal from the Cantonment Committee for some misconduct a qualification or a disqualification for such nomination ?

(*c*) Is private service of British officials of the Cantonment a qualification or a disqualification ?

(*d*) Is it a fact that a person dismissed from the Cantonment Committee and a private teacher to some British officials has been nominated as a non-official member to the Peshawar Cantonment ?

(*e*) If the answer to the above question is in the affirmative will the Government kindly give reasons why such a man was selected for nomination ?

Mr. G. M. Young : (*a*), (*b*) and (*c*). The attention of the Honourable Member is invited to sections 14, 28, 34 and 35 of the Cantonments Act, 1924.

(*d*) and (*e*). I am making enquiries and will let the Honourable Member know the result.

HOUSE ACCOMMODATION FOR MILITARY OFFICERS IN THE PESHAWAR CANTONMENT.

453. **Pandit Thakur Das Bhargava** : (*a*) With reference to the reply to question No. 536 asked by Pandit Hirday Nath Kunzru on 26th March, 1928, when Government was pleased to inform the House that an officer was deputed to enquire into the conditions of house accommodation for military officers in Peshawar, has the report of that officer been received ? Will the Government lay a copy of the report and the orders if any passed on the same on the table ?

(*b*) Is it a fact that under the orders of the Army Department the old freehold site under bungalow No. 8, Fort Road, Peshawar, is being resumed ?

(*c*) If the reply is in the affirmative will the Government kindly state under which law or contract they are proceeding in the matter ?

(*d*) Is it a fact that the owner of the bungalow has recently made extensive alterations in the bungalow making the same suitable for Indian style of living and is himself occupying the bungalow ?

(*e*) Will the Government kindly state the military necessities, which force the Government to resume the site ?

Mr. G. M. Young : (*a*) The officer, who was the Deputy Secretary in the Army Department, conferred both with the military authorities and with the house-owners on the subject of accommodation for military officers in the Peshawar Cantonment. He made notes of the conferences, but submitted no report as on his return he was appointed officiating Secretary in the Army Department. Action has been initiated on these notes, but the Government of India do not propose to lay them on the table.

(*b*) Orders have been issued for the resumption of bungalow No. 8, Fort Road.

(*c*) The grant of sites for the purpose of building houses for military officers in cantonments is governed by rules issued from time to time. A copy of the Rules, Regulations and Orders in force before the publication of the Cantonment Code has been placed in the Library. The Cantonment Code itself was subsequently superseded by the Cantonment Land Administration Rules, 1925. It is under the above mentioned Rules and Regulations that Government are proceeding in the matter, as this particular site was granted before the publication of the Cantonment Code of 1899.

(*d*) I understand that the owner has very recently made some such alterations.

(*e*) The bungalow was until lately regularly occupied by military officers. Government were informed that the owner had allowed the bungalow to fall into such a state of disrepair that the military officer last in occupation was compelled to leave the bungalow, whereupon the owner instantly took steps to occupy the bungalow himself. The military necessity for resumption is the shortage of bungalow accommodation for officers in the Peshawar Cantonment, coupled with the fact that this bungalow, like others, was built for the accommodation of military officers on a site granted for the purpose. Government have no intention of interfering unnecessarily with the established and *bona fide* occupation of houses by civilians, even if such houses may have been built on sites granted for the specific purpose of accommodation of military officers. But they are obliged to make use of their legal powers when attempts such as the above are made to deprive military officers of their accommodation.

TRIAL OF CASES UNDER THE CANTONMENTS ACT IN HAZARA, BANNU AND DERA ISMAIL KHAN.

454. Pandit Thakur Das Bhargava : (*a*) Is it a fact that the *ex-officio* representatives such as District Magistrates on Cantonment Boards

in Peshawar and Kohat are not allowed to try cases under the Cantonments Act and such cases are tried by magistrates unconcerned with the Board ?

(*b*) Will the Government state if the same rule obtains in Hazara, Bannu and Dera Ismail Khan ? If not, why not ?

Mr. G. M. Young : (*a*) and (*b*). Government have no information. The matter is at the discretion of the Chief Commissioner and Agent to the Governor General, North-West Frontier Province.

RESIGNATION OF MR. NARSINGH DAS, AN ELECTED MEMBER OF THE CANTONMENT BOARD, JUBBULPORE.

455. Pandit Thakur Das Bhargava : Is it a fact that as a protest against the waste of public money involved in the purchase of seven lorries for conservancy services by the Cantonment Board, Jubbulpore, in the teeth of public opposition Mr. Narsingh Das, an elected member of the Cantonment Board, Jubbulpore, from Ward No. 5 resigned his seat on the Board on 13th December, 1927 ?

Mr. G. M. Young : I am making enquiries and will let the Honourable Member know the result in due course.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, two Messages have been received from the Secretary of the Council of State. The first Message runs as follows :

"I am directed to inform you that the Council of State have, at their meeting held on the 18th September, 1928, agreed without any amendments to the Bill further to amend the Indian Mines Act, 1923, for certain purposes, which was passed by the Legislative Assembly on the 27th March, 1928."

The second Message runs as follows :

"I am directed to inform you that the Council of State have, at their meeting held on the 19th September, 1928, agreed without any amendments to the Bill further to amend the Indian Succession Act, 1925, which was passed by the Legislative Assembly on the 22nd March, 1928."

PETITIONS RELATING TO THE SPECIAL MARRIAGE (AMENDMENT) BILL.

Mr. Deputy President (Maulvi Muhammad Yakub) : Sir, I have the honour to present the Report of the Committee on Petitions relating to the Bill to amend the Special Marriage Act, 1872. This petition, which is from the Parsee Federal Council, Bombay, is in opposition to the Bill.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL.

PRESENTATION OF THE REPORT OF THE SELECT COMMITTEE.

The Honourable Mr. J. Crerar (Home Member) : Sir, I move that the instructions given to the Select Committee on the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India to present its Report within three days be withdrawn and that the Select Committee be instructed to present its Report by the 20th September, 1928.

The motion was adopted.

The Honourable Mr. J. Crerar : Sir, I present the Report of the Select Committee on the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India.

THE RESERVATION OF THE COASTAL TRAFFIC OF INDIA BILL.

Mr. President : The House will now resume further consideration of the following motion moved by Mr. Sarabhai Nemchand Haji on the 13th September, 1928 :

"That the Bill to reserve the Coastal Traffic of India to Indian vessels be referred to a Select Committee."

Mr. R. K. Shanmukham Chetty (Salem and Coimbatore *cum* North Arcot : Non-Muhammadan Rural) : Sir, my Honourable friend, Sir James Simpson, in the very admirable but unconvincing speech that he delivered the other day remarked that India's rights and British interests are interdependent. I submit that my Honourable friend would have been nearer the truth if he had varied that statement and said that India's rights have always been dependent on British interests. We have had innumerable examples in the political and economic history of this country when the rights of India came into conflict with the interests of Britain and in the struggle the interests of Britain had always triumphed. The Bill which has been introduced by my Honourable friend is a clear case in which India's rights have come into direct conflict with the British interests and India will once again watch with interest as to what will be the verdict of this House on this conflict. I do not think that it is necessary for me to take the time of the House in attempting to prove that India has the undoubted right of reserving the coastal trade of the country to her own nationals. The examples of many other countries in the world go to show that all these countries have exercised this undoubted right. My Honourable friend the Commerce Member referred to the international regime of maritime ports which was held in Geneva in 1923 and which was attended by 31 maritime countries of the world. The Convention and Statute on the international regime of maritime ports makes it perfectly clear that coastal reservation is not inconsistent with international law and usage. In fact, Article 9 of that Convention specifically excludes the coastal trade of any country and states that this Statute does not in any way apply to the maritime coasting trade. In fact, in applying and exercising the right of coastal reservation, some countries of the world have gone even beyond recognised international usage and have adopted a course of action which has caused alarm in British shipping circles. It is stated in the Survey of Overseas Markets that in contradistinction to the view that the coasting trade should be limited to voyages between ports in the same territory, the Governments of the United States and of Portugal have held that it should also cover voyages to Colonies and overseas Dominions ; and the United States Government reserved voyages between the United States of America and Alaska and the United States of America and Hawaii and the United States Merchant Marine Act of 1920 provided for the closing of the trade, as coasting trade, between the United States and the Virgin Islands and the Philipines when adequate American shipping services had been established ; and it is remarked in this book very pertinently that any serious extension of this principle would do considerable harm to British shipping and to international commerce. While the extension

of this principle might undoubtedly do serious harm to British shipping and to international commerce it is not for a moment contended that the United States of America and Portugal have gone beyond their rights in exercising this right of reserving coastal trade. In face of the example of great countries like the United States of America in this direction I hope the House will agree with me that it is not necessary to go into the question whether we have got the right by international law to reserve the coastal trade of our country to our own nationals.

Let us, Sir, examine it from the point of view of how it affects the rights of the other countries of the British Empire ; whether India in exercising this right will in any way violate the rights of any of the dominions of the British Empire. Now, in dealing with this aspect of the question, I might consider it in two aspects ; whether we infringe the legal rights of either Britain or of any of the Dominions and whether we infringe the moral right of either Britain or any of the Dominions. The question whether we would infringe the legal rights of any part of the British Empire by enacting these laws will, I presume, be discussed at a later stage when the objection of the European Group of which they have given notice to you, Sir, is taken into consideration ; and at that stage we on this side of the House hope to convince you, and this House that in exercising this right we would be acting in conformity with the provisions of the British Merchant Shipping Act, which governs cases of this nature. I would, therefore, turn to the question whether we affect and infringe the moral right of Britain or any of the Dominions. In connection with this aspect of the questions, my Honourable friend the Commerce Member brought up the example of South Africa, and pointed out that the passage of any legislation of this nature by this House might seriously hamper the very delicate negotiations which the Government of India are always engaged in carrying on with the Government of the Union of South Africa. I am glad Sir, that my Honourable friend the Commerce Member took the example of South Africa rather than any other part of the British Empire. This Bill has been described in various quarters as a discriminatory measure, and if there is one part of the British Empire rather than another where discrimination has been practised as a fine art it is the Union of South Africa. Let us, examine whether in enacting the provisions of this Bill we would do anything to wound the susceptibilities of the South African people ; whether we would affect the rights that they have got as citizens of the British Empire and whether we would be doing anything in contravention of the agreement which the Government of India has recently arrived at with the Union of South Africa. Sir, it has been conceded by the Imperial Conference that every part of the British Empire has got the right to regulate the character of its own population and I ask : has not the Union of South Africa exercised this right against the whole Indian nation ? Have they not enacted a law that no Indian, even though he be a subject of His Majesty the King, can enter South Africa and reside there in future ? And I ask if South Africa thought it fit to exercise the right that has been conferred by the Resolution of the Imperial Conference, how in justice can South Africa complain if we exercise the undoubted right which has been given to us by the British Merchant Shipping Act when we say that the coastal trade of India shall be reserved to Indian nationals and none else ? (*Mr. Sarabhai Nemchand Haji* : "Has South Africa complained" ?) Well, I do not know whether South Africa has complained. I ask whether South Africa can have any justification for lodging a complaint of this nature. Sir, I do not think for a moment that the House will agree with

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the Honourable the Commerce Member that in enacting this measure we will be doing anything which will make their position with South Africa difficult. I maintain it is not inconsistent even with the agreement that we have arrived at with South Africa.

Having disposed of the point whether we have got in international law the right of reserving our coastal trade to our own nationals, and having endeavoured to show that in exercising that right we would not be violating the rights of any other part of the British Empire, I would now go on to show that we can effectively exercise this right of reservation of the coastal trade to our own nationals. It might be argued that we have got theoretically the right of reserving our coastal trade, but if it can be proved that in practice we cannot effectively exercise that right, there will be no point in our enacting this law and trying to exercise that right. A great portion of the speech of my Honourable friend, the Commerce Member, was devoted to a consideration of this aspect of the question. He devoted a considerable part of his speech to show that, on account of the peculiar position of the Indian Continent, the existence of foreign ports and ports belonging to Indian States, it may prove in practice that though we may enact this law we will fail to achieve our object. Sir, I would like to examine briefly this contention put forward by my Honourable friend. At first he said that there was some difficulty about the definition of common carrier, and very pertinently he asked the question whether a company like the British India Steam Navigation Company would come under the definition of common carrier as given in the Bill. I am glad my Honourable friend raised this point, because it certainly goes to the very root of the whole matter. I grant that when we look into the definition of common carrier, some doubt might be cast whether it will apply to a company like the British India Steam Navigation Company. But I would like to draw my Honourable friend's attention to a case which was decided in the Madras High Court on this very point. It was in a case reported in 38 Madras, 941, in which the British India Steam Navigation Company were the defendants. The definite question raised in that case was whether the British India Steam Navigation Company were common carriers or not, and the decision of the Madras High Court in that case was that the British India Steam Navigation Company were common carriers.

The Honourable Sir George Rainy (Member for Commerce and Railways) : May I have the reference again ? I did not catch it.

Mr. R. K. Shanmukham Chetty : 38, Madras, 941.

Mr. H. G. Cocke (Bombay : European) : What date ?

Mr. R. K. Shanmukham Chetty : I am not certain about the year, but I think it must be somewhere about 1912 or 1913. Unless the legal position of the British India Steam Navigation Company has changed since the decision was given in this case, I contend that the definition of common carrier would cover the British India Steam Navigation Company. But even taking it for granted that the definition may not include the British India Steam Navigation Company, it is, as my Honourable friend remarked, a Select Committe point, and in the Select Committee we might try to find another phraseology or another definition which will achieve the object we have got in view.

My Honourable friend next referred to foreign ports, ports like Pondicherry and Mormugao. My Honourable friend's argument was this, that

if we include these ports in our scheme for coastal reservation we would be directly coming into conflict with the international agreement that we have entered into with them, and if we omit those ports, we may fail to achieve the very object that we have in view. I agree that we cannot include these foreign ports in our scheme. But I contend that the existence of these foreign ports will not seriously affect the scheme of coastal reservation that we propose. For one thing the trade that emanates from and terminates in these foreign ports, as compared with the total volume of the coasting trade of India, is practically negligible. The total coastal trade (imports) of India is Rs. 114 crores of which the trade of these foreign ports is about 2 crores 83 lakhs. The total coastal trade (exports) of the whole of India is Rs. 109 crores of which the foreign ports take about Rs. 1.30 crores, so that in the total coastal trade of about Rs. 219 crores the foreign ports take only Rs. 4 crores. So that their percentage is absolutely negligible. But I can imagine some of my Honourable friends opposite advancing another argument, that if you enact this law your coastal trade might be diverted to these foreign ports.

Mr. H. G. Cocke : The whole lot.

Mr. R. K. Shanmukham Chetty : The whole lot ? I am glad that my Honourable friend puts it in that strong way, that the whole lot of the coastal trade might be diverted from the British Indian ports to the foreign ports.

Mr. H. G. Cocke : I did not say the whole lot. I said the whole argument.

Mr. R. K. Shanmukham Chetty : I never thought that my Honourable friend had such a weak case as that. Well, my Honourable friends are business men and I am sure they would certainly understand what I am going to say. If the coastal trade of a country is to be diverted effectively to any port, the argument presupposes the existence of a hinterland behind that port which will take the commodities diverted to it. Now, I ask, is there any hinterland worth the name behind these foreign ports in the continent of India ?

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : The States.

Mr. R. K. Shanmukham Chetty : I am now talking of the foreign ports ; I will come to the States later. I am sure my Honourable friends do not imagine that the trade diverted to these foreign ports will be sent on to British India through the land frontier. If they attempted to do that, surely the frontier customs would come into operation which will make it absolutely difficult.

Sir Victor Sassoon : Land customs would be the same as the sea customs.

Mr. R. K. Shanmukham Chetty : If you attempted to divert cargo, say, to a foreign port like Pondicherry and then take it by train and import it into British India, bearing all these freight charges and paying land customs, does my Honourable friend mean to say that it would be an economical proposition ?

Sir Victor Sassoon : Land customs will be the same as the sea customs.

Mr. R. K. Shanmukham Chetty : I know that, but the operation of the land customs combined with the cost of the railway freight would make it uneconomical to adopt that course.

Sir Victor Sassoon : It depends upon where the goods are going.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : (to Mr. Shanmukham Chetty) : He admits that.

Mr. R. K. Shanmukham Chetty : I shall wait and see what my Honourable friends have to say on this point.

I will now take the case of the ports belonging to the Indian States. Here I maintain that so far as we have been able to understand the attitude of some of the Indian States, they would come into the scheme of coastal reservation. Representatives of the Government of Baroda and of Travancore appeared before the Indian Mercantile Marine Committee and in the evidence that they gave on behalf of their respective Governments they strongly advocated a policy of coastal reservation. So that I take it that it will be to the advantage of these Indian States to come into the scheme of coastal reservation, and if we pass the law, we can by agreement make it equally applicable to Indian States ports also. That is my answer. Even taking it for granted that the Indian States do not come into this scheme of coastal reservation, then I contend the same arguments that apply to the foreign ports would apply to the ports belonging to Indian States also. For one thing their trade also is negligible. Out of a total of 219 crores of coastal trade, while 4 crores as I said went to the foreign ports, only about 17 crores went to the Indian ports. The existence of the foreign ports and the ports belonging to the Indian States will not therefore come in the way of our making the scheme of coastal reservation really effective. (*An Honourable Member* : " What about Kathiawar ?") I understand that Jamnagar has already started a shipping concern and I have reason to think that most of the Indian States would readily come into the scheme of coastal reservation. It will be to their interests to do so. The existence of these obstacles on the Indian continent cannot therefore really stand in the way of our enacting a measure of this nature.

I now come to the third part of my speech. Is it to our economic and national interests to exercise the undoubted right that we have of reserving our coastal trade to our own nationals ? We have got a right in international law to do this and if we chose to do so we can effectively exercise that right. But if it can be proved that in exercising that right, we will not advance our economic and national interests, I will be the first to say that we should not exercise that right. Now, Sir, I shall come to the famous economic arguments of Sir Charles Innes. My Honourable friend the Commerce Member said that the economic arguments of Sir Charles Innes have not yet been answered in spite of the considerable lapse of time since those arguments were advanced. In the short compass of a speech you will agree with me, Sir, that it is not possible to give a detailed answer to the various arguments of Sir Charles Innes, but I will endeavour to give a brief outline of the answers that I have got to those arguments. My friend Sir Charles Innes began his economic arguments by stating an axiom. And what is that axiom ? It is this. He said :

" I take it as axiomatic and I think that nobody will disagree with me when I say that reservation of the coastal trade to your own nationals must involve your country in economic loss, even if such loss may be concealed."

His whole argument is based on what he calls this axiom. I may straightaway say that I emphatically repudiate this axiom. It is contrary to all economic principles and is against the lessons drawn from the experience of other countries of the world. This argument may be advanced against any protective measure. Is it contended that every protective measure will lead to economic loss ? I am sure my Honourable friends cannot substantiate a statement like that. I content that this axiomatic statement of Sir Charles Innes is against all economic laws and the experience of the world. His whole argument, being based on this fallacious axiom, falls to the ground. Anyway I will examine some parts of that argument. He said if you reserve the coastal trade for your own nationals, what will be the result. There will be a rise in freight for the coastal trade. He makes a very simple mathematical calculation. He takes the total volume of tonnage that is now carried on in the coastal trade of India, the average freight that is now charged, and then on the analogy of Algiers he presumes that soon after this Bill comes into operation freights will go up 20 per cent. and concludes that the country would be involved in a loss of 70 lakhs per year. This argument is fallacious. Firstly, the argument presumes that the existing freights on the coastal trade of India is economically at its minimum.

Sir James Simpson (Associated Chambers of Commerce : Nominated Non-Official) : You want to advance the rate ?

Mr. R. K. Shanmukham Chetty : What I mean to say is that the present freight that obtains in the coastal trade of India is high and that the British India Steam Navigation Company in the coastal trade of India is really charging more than it ought to charge. My Honourable friend Mr. Birla gave some figures to show the profits of the British India Steam Navigation Company which proves my argument. If you once concede that the rates that exist are themselves considerably high, then there is not sufficient ground to presume that if you create what is called a monopoly the rates will go still higher. The presence of my Honourable friend Mr. Haji in this House has led very many of my Honourable friends to think that there is only the Scindia Steam Navigation Company plying in the coastal trade. There are already seven Indian companies including the Scindia Steam Navigation Company. If this Bill is passed and this protection is given to the Indian coastal shipping, more companies will come into existence and as a result of the competition freights will be at their proper economic level.

Sir Victor Sassoon : What is the percentage of the tonnage of the Scindia Steam Navigation Company to the total tonnage of all these companies ?

Mr. R. K. Shanmukham Chetty : I cannot say that at the moment. What I mean to say is that even under existing conditions there are seven companies which are competing with one another and if you pass this measure, more companies will come into existence and freight will be at its proper level. That is my whole point and whether more companies will come into existence or not is another point on which my Honourable friends have a doubt and I will come to that later on. When I read the axiom of Sir Charles Innes, it took my breath away and when I read the example he gave I must confess I was really astounded. Sir Charles Innes gave the example of Chile. He said that as a result of the coastal reservation of Chile for its own nationals, freight went up about 50 per cent. Now, my Honourable friend does not give the authority for that statement. I hope my Honourable friend Sir George Rainy will give the authority for that

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statement. Sir, here is the report on the industrial and economic situation in Chile, dated September, 1924, and in that report it is stated that the tonnage required by the Chilean owners since the passing of this law resulted in a superabundance of vessels for that nation and then in the report for the next year, that is September, 1925, it is stated that the Chilean shipping companies have suffered from the general depression in the trade.

Sir James Simpson : Hear, hear.

Mr. R. K. Shanmukham Chetty : I do not exactly know what the Honourable Member means by saying " Hear, hear ". I suppose that is meant to expose the fallacy of Sir Charles Innes' argument. If there is superabundance of tonnage, if there is depression.....

Sir James Simpson : The shipping trade suffers.

Mr. R. K. Shanmukham Chetty : Then, that is very good for the consumers whose interests you have so much at heart. I hope my Honourable friend the Commerce Member will give authority for this statement of Sir Charles Innes. Sir Charles Innes then proceeds to point out that it costs 36*s*. a ton to ship wheat over a distance of 700 miles of coast and it costs 30*s*. a ton to ship for 7,900 miles from Chile to the United Kingdom and there is an interrogation mark—I suppose Sir Charles Innes must have put it in in the corrected copy (Laughter) : 36 shillings a ton for the coastal trade of 700 miles and 30 shillings a ton for 7,900 miles, and from this he wants us to draw the conclusion that coastal reservation has ruined Chile. Sir, even without coastal reservation, what is the state of affairs existing in India ? The figures given by Mr. Birla the other day showed that the average freight per ton to carry coal from Bombay to the United Kingdom, a distance of 6,000 miles, is 24 shillings per ton, whereas the average freight per ton for the coastal trade of India, which does not exceed 2,000 miles, is 30 shillings per ton. Is that, Sir, a result of coastal reservation, or is it the result of monopoly or the result of exploitation ? So the example given by Sir Charles Innes does not prove the argument that he wants us to accept.

My Honourable friends would say, " All this is well and good if you take it for granted that as a result of this Bill Indian capital will be forthcoming and new Indian companies will be started." Sir, I maintain that Indian companies will be started, and Indian capital will be forthcoming and in support of what I say I can only give an example of what has occurred in the past. In spite of the serious handicap of Indian shipping, from 1877 to 1927, 32 Indian companies were started with a capital of Rs. 12 crores. 12 crores of rupees were floated, and as a result of the monopoly that the British India Steam Navigation Company has got, as a result of the ruthless rate-war they waged, as a result of the unscrupulous methods of exploitation, what has happened ? 23 out of 32 of these Indian companies went into liquidation ! Twelve crores were floated, of which 8½ crores were sunk, so that 4¾ crores of Indian capital is still floating in spite of the existence of the British India Steam Navigation Company. Such a state of affairs is possible because of the existence of the strong monopoly. Sir, I maintain therefore that this measure, far from creating a monopoly, is an anti-monopolist measure. My Honourable friend referred to the fact that the Scindia Navigation Company has entered into this combine. I have seen the agreement that that company has entered into with the British India Steam Navigation Company. The very fact that an Indian company of that status was at the mercy of an English company like the British India Steam Navigation Company and forced to sign a one-sided agreement shows what protection Indian shipping needs and what monopoly is now being enjoyed by the British India Steam Navigation Company. Far from proving the case of my Honourable friends, the fact that the Scindia Company were forced into entering into that agreement with the British India Steam Navigation Company proves the necessity for this measure. As I said, in the short compass of a speech it is not possible to give any elaborate answer to all the various economic arguments advanced by Sir Charles Innes. But I have attempted to show that his whole argument is based upon a false maxim ; and the examples that he has given, so far as I have been able to verify their correctness, are absolutely wrong and prove the very opposite of what he wants us to believe. I hope Honourable Members who follow me will give more elaborate answers to these economic arguments of Sir Charles Innes. Sir, my Honourable friend, Sir James Simpson referred to the Navy and its relation to a mercantile marine, and I interrupted him by asking whether he could give us an example of any country in which the navy was first created and afterwards a mercantile marine. No. No country in the world would show such a state of affairs. If we are to have a navy to protect the Indian coasts, we must start with the development of a mercantile marine. Sir, there are very many points in the speech which Sir Charles Innes delivered in the House which, if one had time, one could refute. I have endeavoured to show that by international law we have got the undoubted right of reserving the coastal trade. I have endeavoured to show that in practice it is possible for us to effectively exercise that right, and I have also endeavoured to show that by exercising that right, we shall advance the economic and national interests of India. I hope the House will allow an important measure of this kind to go to Select Committee.

Mr. J. A. Stewart (Burma : Nominated Official) : Sir, as one of the few representatives of Burma in this Assembly I think it would not have been proper for me to listen quietly to all that has been said of the rights of India without endeavouring to clear the ground a little as regards Burma and to explain to the Assembly what I consider the rights of Burma are in respect of this coastal traffic Bill. In the first place, there is a preliminary point of some delicacy I have got to try to put and I cannot say how successful I shall be in doing it. I saw the other day in a constitutional document which emanated from the other side of the House that it was contemplated to establish Hindustani gradually as the international language of the Indian Empire. Taking that, by way of example, supposing a motion were to be brought in this House for the purpose of making Hindustani the universal language in India, including of course, Burma, it might even be that some of the Burma representatives in this Assembly would approve of the Bill ; and of course there would naturally be a large majority in the House who would tend to give their votes that way, but I think that in an extreme case like that the majority would certainly not attempt to force the pace. They would look at the evidence of the facts and figures in the census reports and would consider it an act of statesmanship to go slow. Well, the position with regard to the Coastal Trade Reservation Bill is somewhat similar. We have got a very small representation of Burma in this House ; I work it out to something like three per cent. of the total. The coastal trade with Burma amounts—if you include the coolie traffic—to something like 50 per cent. of the total coastal trade of India. That trade with Burma across the Bay of Bengal from Calcutta and Madras and also from Bombay, is much the most valuable part of the so-called coastal trade, and

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Burma is the province in India that is most interested in any questions regarding it. Now with that 50 per cent. interest and three per cent. representation on this Assembly, I think that the majority, no matter how desirble they might think it to pass this Bill into law, should be very careful o consider the interests of Burma in the light of the information that it as got, and should be quite sure that this Assembly has really got a clear mandate from Burma, a clear expression of Burma's wish to be brought in s part of this scheme. But I would like to take the House through such vidence as there is for Burma opinion in the strict sense with regard to it. The evidence is very small in bulk and it will not take me more than a few minutes to summarise it. Go back a few years to the time when the Committee was sitting on the Indian Mercantile Marine. I am sorry that the volume of the record of the evidence taken by that Committee has been taken out of the Library and I cannot refer to it at the moment, but I quote from memory. I remember the Chairman in questioning one of the witnesses asked him, why is it that no Burmans have troubled to reply to our questionnaire ? The obvious answer of course is that Burmans as a whole were not sufficiently interested in the import and export shipping trade and did not think it was any business of theirs to reply. They were mistaken, but that must have been their attitude. Well, two Burman gentlemen gave evidence before that Committee. One was U. Tok Kyi, my Honourable friend sitting opposite. At that time he was Chairman of the Burmese Chamber of Commerce. U. Tok Kyi was strongly in favour of the reservation of the coastal trade and he spoke as representing the Burmese Chamber of Commerce. Another Burman gentleman, U. Ba Tun, if my recollection serves me, was not by any means such a whole-hogger. U. Ba Tun was in favour of the declared object of the Bill, the institution of an Indian mercantile marine or rather the institution of a Burman mercantile marine, but he was not by any means willing to hand over the trade across the Bay of Bengal to new companies. He preferred to stick by the devil he knew rather than hand that important trade over to a devil or several devils that he did not know. He was in fact a cautious man.

Now, to come to the opinions recently received in favour of the Bill, there was the opinion of the Indian Chamber of Commerce. That is a lengthy document. The Burmese Chamber disposed of the thing in two lines ; the Indian Chamber of Commerce took 14 paragraphs to dispose of it—you will find that in the printed opinions—and in the whole of that opinion of the Rangoon Indian Chamber of Commerce you will have to search very closely before you find a reference to Burma, the province in which these gentlemen live and make their fairly comfortable income ; and the single reference is contained not in an original part of the letter but in a quotation from the speech of Sir Charles Innes who at that time had nothing to do with Burma. Sir Charles stated that some parts of India might benefit by the reservation, but Burma and Bengal would pay. Now, what do these hard-headed business men of the Indian Chamber of Commerce say in refutation of this economic argument of Sir Charles ? They turn up their eyes and in a Pecksniffian attitude of horror they say, " how wicked of Sir Charles to attempt to play on inter-provincial jealousies." That, Sir, is the solitary reference to the interests of Burma in this lengthy document sent in by the Indian Chamber of Commerce. Now, the Honourable the Mover said that the Burma Chamber of Commerce and the Indian Chamber of Commerce were both strongly in support of his Bill. Well,

I have shown how far that statement was justified—the extremely brief, unreasoned letter from the Burma Chamber of Commerce and this lengthy rigmarole from the Indian Chamber of Commerce with practically no reference to Burma or the interests of Burma.

Mr. Sarabhai Nemchand Haji (Bombay Central Division : Non-Muhammadan Rural) : What about the opinion of the Burma Chamber of Commerce before the Mercantile Marine Committee ?

Mr. J. A. Stewart : That was given by U. Tok Kyi.

Mr. Sarabhai Nemchand Haji : U. Tok Kyi is a Burman and you are not.

Mr. J. A. Stewart : I was only trying to help the House by showing what support you have got from Burma and what you have not got ; there is no good contending that. Burma has declared in favour of this Bill. Now, the interests of Burma, as I have said, are various and very important and I am not going to deal with the whole of them. But I would just like to point out that the export of rice and paddy from Burma to India is ¾ million or more tons. Well, the surplus rice produced in Burma is of no value to Burma unless it is got abroad to its market. Whatever you may say about freights, we have got an efficient service of ships that can get the produce abroad to India at the time when that is desired. These big companies have got their ships and the stuff is taken away promptly. Now, you are going to substitute new companies for the existing companies. They may do well. I should like to see an Indian mercantile marine and a Burma mercantile marine established. But I would point out that you are asking the cultivator to take the complete risk, the greatest part of the risk, of this scheme that you propose to introduce. It is the cultivator that will always be affected. The merchants will even use any difficulty in exporting produce as a reason for bringing their offer for rice lower than they ought to. It is perfectly well known that these pretexts are always being used. Then, it is the cultivator, that is to say, 90 per cent. or more of the population, that is going to be asked to take the risk. What is the cultivator of Burma going to get ? I do not see that he is going to get anything. Are there any sentimental reasons which would appeal to him ? I really do not think there are any. I do not think that the average up-country cultivator has ever heard of the Scindia Steam Navigation Company. I may be wrong. But I should think that if you talk to him about it, he will ask " Who is Scindia, what is she ? " And he will not be very curious to know.

There is just one more point I would touch on before sitting down. I have heard ever since I have been in Burma for the last 22 years a trickle of talk about the question of separation of Burma from India.

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I have no opinion to express on that whatsoever. I am a member of the Indian Civil Service and am proud of being a member of the Indian Civil Service, and that of course would incline me personally in favour of maintaining the connection. But Burma has taken some pretty hard knocks in recent times, as a result of its connection with India. There was the import duty on steel to protect an Indian industry that did not exist in Burma, the export duty on hides, which was discussed in this House. There is this export duty on rice, which one of my predecessors from Burma talked about, and now you are going to ask Burma to take this great new risk. I submit that the principle of

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he division of advantage and disadvantage between India and Burma is ıot right. It seems to me that Burma takes all the kicks and the rest of ndia gets all the half pence. That is not an equitable division, and no rgument will convince me that it is.

Now whatever you may think of this, separation is bound to come if hese handicaps are going to be continued. Separation may perhaps be aid to be inevitable, but it might also be said that Burma is not yet ready or it. But to pass this Bill will be to force separation on Burma before the ime has come for it.

For these reasons I oppose this motion.

U. Tok Kyi (Burma : Non-European) : Sir, during the debate on this Bill this day last week the Honourable the Commerce Member invited some of the Members who come from Burma to take part in the discussion. I for one am very glad to contribute my share to this debate, and my Honourable friend, who has just spoken, and who represents not the people of Burma (Opposition Cheers) but the Government of Burma, has had his say. Sir, I have listened to him with the attention he deserves. I wonder what the universal language for India has got to do with the Bill. He has imported another irrelevant matter, that is the question of the separation of Burma from India. I say that the question of the separation of India from Burma has nothing to do whatever with the measure now before the House. The Honourable the Commerce Member has tried to make out that the coastal trade between Burma and India should be excluded from this Bill, and he gave us some reasons for that and the reasons he gave are not new, because they have been advanced by his distinguished predecessor, Sir Charles Innes. Sir Charles Innes said that if reservation of the coastal traffic be given effect to, the freights would rise and the steamer service would become very expensive. Sir, this part of the question has been answered and very ably answered by my Honourable friend Mr. Shanmukham Chetty a little while ago. So, I need not go into this matter again. Sir, a little while ago my Honourable friend, Mr. Stewart, said that the Burmese Chamber of Commerce has given its opinion on the Bill only in two lines. I wonder on what he based his statement. I have got the opinion of that Chamber before me now, and with your permission, I should like to read it.

Mr. J. A. Stewart : May I ask the date of it ? (*Honourable Members*: " Order, order.")

U. Tok Kyi : It is a printed copy. It says :

" If the Indian mercantile marine is to be developed, it is essential that the coastal trade of India should be reserved to Indian shipping. (Hear, hear and Applause.) Harsh and high-handed treatment which Indian shippers are receiving at the hands of foreign ship-owners at present will vanish (Hear, hear), rates of freights will be more equitably fixed. (Hear, hear.) There will be no more conspiracy between ship-owners and railway authorities to smash Indian shipping (Hear, hear) and help European traders. Coastal trade and ports themselves will improve. New industries will thrive on account of favourable rates of freight. Last but not least, the wealth of the country will increase (Cheers) as crores of rupees of freight will remain in this country and new careers will be opened up for the youth of the country."

Well, Sir, the statement of opinion is no doubt very short, but I must say it is pregnant with arguments.

Mr. J. A. Stewart : May I explain, Sir..... (*Honourable Members*: " Order, order.")

Mr. President : Order, order.

Mr. J. A. Stewart : May I explain, Sir ?

Mr. President : The Honourable Member is not entitled to make any personal explanation while another Member is speaking. He must wait.

U. Tok Kyi : As I have said, the statement of opinion of the Burma Chamber of Commerce is no doubt very short, but it is pregnant with arguments to show that the Bill now before the House should be passed as early as possible. Sir, the Indian Mercantile Marine Committee recommended the reservation of coastal traffic and they recommended it in no uncertain terms. With your permission, Sir, I should like to read that recommendation :

" It is our considered opinion that the provision of facilities for the training of Indian officers and engineers alone is not sufficient to meet the requirements of the case and that some further steps are required to achieve the object in view. These further steps we recommend should be in the form of eventual reservation of the Indian coasting trade for ships the ownership and control being interests in which are predominantly Indian."

The recommendation is not ambiguous. It is quite definite and clear and yet as far as my knowledge goes none of these recommendations have been given effect to by the Government of India. The Committee made their report over four years ago ; more than four and a half years have since elapsed and yet we have not had the benefit of the opinion of Government on it up to this time.

Sir, it has been said and said by no less a man than the late President Woodrow Wilson of the United States of America that those who control the commerce of a country are the real rulers of the country. Sir, in this country the real rulers of the country are those who are sitting there and who represent a small European community outside the House. They are the real rulers of India and I am sorry to say that the Honourable the Commerce Member or any other Member of the Government of India is not among those who are the real rulers of the country. The real rulers, as I say, are sitting over there. Sir, the Government of India have so far ignored the recommendation of the Indian Mercantile Marine Committee, I think the reason is not far to seek. I think that those real rulers of the country are at the bottom of the affair. Sir, I thought that the policy of " divide and rule " was adopted only in the sphere of politics. I have since found that the same policy is being adopted even in the sphere of economics. Only a little while ago my Honourable friend Mr. Stewart made some statements which I am afraid will have the effect of setting Burmans against the Indians. I hope and trust that, this will be the first and the last time he speaks in that strain.

Sir, over four years ago I had the honour to represent the Burmese Chamber of Commerce and gave evidence before the Mercantile Marine Committee. One of the members of the Committee—I think it was Sir John Biles—put the following question to me : (I should like, Sir, with your permission, to read the actual wording of the question).

" Burmans will not take to a sea-faring life so long as they have no opportunities of learning work on ships owned by Burmans. The close association which life on board ship entails, combined with the Burmese dislike of working in subordination to or in company with Indians renders it probable that Burmans will take no advantage of facilities which are afforded by Government for the encouragement of an Indian mercantile marine."

Sir, I had no hesitation in answering that question in the negative and I

[U. Tok Kyi.]

said I did not think that that statement was made by a Burman. That was my answer to that gentleman. Another gentleman, Maung Ba Dun, who was then a member of the Burma Legislative Council, gave evidence before that Committee and a similar question was put to him and his answer was this :

" I do not think it is a correct representation of the Burman view. The Burman, as I have already said, is a very adaptable sort of man. He will take to any work provided he is treated kindly."

A further question was put to him :

" If such a statement is made by anybody, then you say that it is made in ignorance of the true feelings of the Burmans ? "

And his emphatic answer was :

" They never consulted us ; that statement might have been drawn purely from their own imagination."

Sir, from the manner in which the question is put, one can realise that even in such economic matters as this, the policy of divide and rule is being adopted by the Britisher. The Honourable the Commerce Member said the other day that it was very unlikely that for many years to come the Burmese people themselves would take much, if any, part in the coastal trade. Sir, under the present conditions, not only the Burmese people, but also the people of other provinces—Bengal or Bombay or Madras—can hardly take any part in the coastal trade. During the last decade we had in Moulmein a very enterprising Burman. He started an inland steam service ; he started with a small fleet of only a dozen steam launches. No sooner did he start the inland steam service than an attempt was made to crush it, and after three or four years it was completely driven out of existence. Now, when the Britisher, I mean the European community, could not bear to see even such a small concern doing some business, I am sure that they will not allow a big enterprise to get on even for a short time if they can help it. Sir, Sir James Simpson has said that the Bill is based on " the principle of confiscation of the deepest type ". I do not agree with him. I think the Bill is based on the principle of self-preservation of the most modern type. I think the Bill is based on the principle of restoration to India of what is her own. Mahatma Gandhi, Sir, used to leave the Assembly and the Councils in the provinces severely alone, but the Bill before the House is of such national importance that he himself has not refrained from giving his opinion on it. Sir, with your permission, I should like to quote from what the Mahatma has said in his paper *Young India* :

" I hold that every country, especially a poor country like India, has every right and is indeed bound to protect its interest, when it is threatened, by all lawful protective measures and to regain by such measures what has been wrongfully taken away from it. I have my doubts about anything substantial being done under the existing system through legislative effort. But I take up the same position that I have always maintained regarding organized industries such as mills. I should welcome and support all action that would protect them against foreign aggression or free them from foreign competition especially when the latter is grossly unfair as it is in the case of foreign shipping and foreign piece-goods."

Sir, Mahatma Gandhi is very clear on this point and no one in this House, I think, will disagree with the statement which I have just read out. Sir, as soon as this Bill was circulated for eliciting public opinion, a storm of protests broke out. Most Europeans in the country have characterised the Bill as an anti-European measure. As I said a little while ago, the measure is for the purpose of mere self-preservation. We have no intention of doing

anything against the interests of the European community in the country. The Bill, as it is at present drafted, is, even the Honourable the Mover will admit, not perfect. There are many points which should be discussed in Select Committee and as far as I can see the provisions of the Bill do not in some respects comply with the recommendations of the Indian Mercantile Marine Committee.

Mr. President : I think the Honourable Member might resume after Lunch.

The Assembly then adjourned for Lunch till a Quarter to Three of the Clock.

The Assembly re-assembled after Lunch at a Quarter to Three of the Clock, Mr. President in the Chair.

U. Tok Kyi : Sir, I was saying this morning that the Bill, as at present drafted, has exceeded the conditions laid down by the Indian Mercantile Marine Committee. The conditions laid down are, (1) that the ship should be registered in India, (2) that it is owned and managed by individual Indians or by a joint-stock company (public or private) which is registered in India with rupee capital, with a majority of Indians on the directorate and a majority of shares held by Indians, and (3) that the management of such a company is predominantly in the hands of Indians. The Honourable Mover himself must admit that the provisions of the Bill have to some extent exceeded the conditions laid down in that Report, and I hope that he will see his way to complying with those conditions in the Select Committee. Only this morning I received a telegram from the Secretary of the Bengal Muhammadan Association, which runs as follows :

" To crush Indian and Burma launch owners running launch service in Burma rivers, Bulloch Brothers, Agents, British India Steam Navigation, started free service. Please fix minimum fare and freight to stop this unfair rate-war."

I brought to the notice of this House this morning how in Burma the Inland Steam Service started by Burmans was crushed out of existence. Here is another attempt on the part of the vested interests to crush out another indigenous enterprise. Sir, in regard to unfair European competition I should like to bring to the notice of the House the opinion of Mr. W. E. S. Holland, a man who knows India very well and who is competent to speak on things Indian with authority. This is what he says :

" So long as British policy in India is largely dictated by the requirements of British trade and capital, Indians cannot feel that the political determination of their country's economic future can safely be left in foreign hands.

I once asked Mr. Ramsay Macdonald how he reconciled the Labour Party's backing both of the White Australia party, and of the Indian National Congress.

He replied at once : ' Perfectly simple. Every nation with complete rights in its own country. A white Australia, and (if I may be pardoned the expression) a brown India '. The two policies surely stand or fall together. If it is right to protect the Australian against unfair Asiatic competition, it is surely equally right to protect the Indian merchant or industrialist from unfair European competition."

Sir, the Bill now before the House is a serious attempt to do away with unfair European competition. I heartily support the Bill.

Sir Victor Sassoon : Mr. President, I rise to-day as the representative of the Millowners' Association and not as representing the European group. After my friend Mr. Haji's reference to fellow members of my group and Sir James Simpson who has been 32 years in this country as birds of passage, I can only style myself who has only been in India on and off or about seven years, as a non-stop æroplane. Still, unworthy though I may be in the eyes of certain Members opposite to stand up here for the Millowners' Association, I hope to show the House that I am no faithless representative of a faithful constituency. I admit that I cannot hope to emulate the flights of oratory of my friend Mr. Haji whose stirring words on the theme of good-will must still be ringing in your ears. But there is one prosaic advantage in being a matter-of-fact man. That is that a common place speaker like myself can never hope to so intoxicate his hearers and himself with his own eloquence as to omit telling the House that good-will in the commercial sense, though it may be an intangible asset, still has a definite actuarial monetary value which can properly find its way in the ordinary commercial balance sheet. Though I cannot hope to have the same marvellous command of the English language as the Honourable Mover of the Bill, I do hope to be able to show to this House that the Millowners' Association was not unreasonable in attaching different meanings to the phrase " approving the principle of the Bill " and " sympathising with the principle underlying the Bill." Let me suggest that there might be an invalid with a chronic illness. The doctor came to him and said, " You have tried many medicines. You have not got cured. Take my medicine and it will cure you in two days. Medicines like this have cured many people with similar diseases, but this is even superior to those that have been tried. It has very powerful poisons in it but it will cure you." The patient felt nervous but the doctor said, " Do not argue with me. Either you want to get well or you do not. If you want to get well, take my medicine and pay me my fee. If you will admit the principle of taking my medicine and pay my fee, I will meet you on the details. If you do not like it in liquid form, I will give it in the form of a pill. I might even give you a sugar-coated pill." Would that patient be unreasonable if he said, ' I agree with the principle underlying your statement that I wish to be cured, but I do not agree with the principle of your contention that I must take your medicine and that I must pay for it whether I am cured or not." Sir, that illustrates the intentions of my Association and its opinion. We had a very elaborate and a very full discussion on this question when a member of our committee closely connected with the Company of whose organisation Mr. Haji is a shining member—if my friend Mr. Neogy will permit me to make the reference—was very anxious that the committee should commit itself to supporting Mr. Haji's Bill. My committee refused to do so.

So the suggestion was then made that it should commit itself at any rate to approving the principle of the Bill, and with one dissentient voice the Committee turned that down and merely said that it would approve the principle underlying the Bill.

Sir Purshotamdas Thakurdas : What is the principle underlying the Bill ?

Sir Victor Sassoon : My friend will find it stated in the millowners' own words, " to provide for the employment of Indian tonnage on the coastal traffic of India."

Mr. Sarabhai Nemchand Haji : That is the object according to the millowners themselves.

Sir Victor Sassoon : That at any rate is what the millowners agreed to. What I am here to approve of on their behalf is that object, if you wish. You may call it a principle or you may call it an object: but unless we can find the safeguards which I shall ask for admitted and accepted by my Honourable friend and his supporters, then I shall be constrained to vote against the motion before the House in spite of the allegation that I shall betray my constituency, because as a matter of fact I shall be merely carrying out their instructions.

Mr. Haji in his opening oration stated that he would like to see the ships of the British India Steam Navigation Company confiscated, though what he was proposing was the much milder course of gradually diminishing their participation in the coastal trade of this country so that at the end of five years this participation would be reduced to nil ; and when Sir James Simpson foreshadowed the possibility of a jealous eye being cast on other industries, my Honourable friend, Mr. Neogy ejaculated, "Why not?". And when Sir James asked, " Where are you going to stop ? ", the same Honourable Member retorted, " Why stop ? ". Now my Association, composed of both Indian and European interests, is agreed on one thing. It is opposed to confiscation. If the national interests so demand, the Millowners' Association approves of acquisition with full and proper compensation, but disapproves of expropriation of assets, whether tangible as in the form of ships, or intangible as in the form of good-will ; and I shall require an assurance that this basic principle is approved of by the supporters of the Bill if I am to vote for Select Committee.

Then, Sir, there is another important point. I disapprove just as much as Honourable Members opposite of the present monopoly of the Inchcape group. I disapprove of it as regards the coastal traffic; I disapprove of it as regards the ocean traffic. (Hear, hear). I do not see why I and my fellow millowners should have to pay the same freight on goods going only as far as Aden as on goods going as far as England. But because I disapprove of it, I do not see why I should approve merely the transfer of the monopoly from one set of financial interests to another set. I want competition between the two sets ; I would like to see both sets working against each other, and I think there is much more chance of our rates being reduced if that happens than if we merely transferred the monopoly from one financial group to another. I want an assurance, too, that the coastal freight rates which my Honourable friend, Mr. Birla quoted as being Rs. 20 a ton should be reduced to at least Rs. 16 a ton which is the rate between the United Kingdom and India. Will this Bill achieve that ?

Mr. Sarabhai Nemchand Haji : Certainly.

Sir Victor Sassoon : It is all very well to say, as Mr. Birla did, that the average profit over a number of years of the British India Company represent 22 per cent.

Mr. Ghanshyam Das Birla (Benares and Gorakhpur Divisions: Non-Muhammadan Rural) : What about the match industry ?

Sir Victor Sassoon : The question is whether those profits were paid for out of the profits made by the Company in the coastal trade o whether they were paid for out of past accumulated reserves. If thos

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profits have been paid for, or are being paid for, to-day out of the coastal trade profits, how is it....

An Honourable Member : How are your reserves made up ?

Sir Victor Sassoon : I am talking of the present time.

We are proposing to ship our goods by new concerns in the near future. I want to know whether there is any chance of them being able to reduce rates. If it is true that rates are now too high, as some speaker mentioned, and that 22 per cent. dividends can be paid out of the profits made in the coastal trade, why is not the Scindia Steam Navigation Company, which is enjoying the same rates, earning profits on the same scale ? It seems to me that here are practical questions which do require reasonable and reasoned answers.

3 P.M.

There is another consideration of the highest importance. I may illustrate this by referring to my own industry. If the textile industry in India took the same line of argument as Mr. Haji takes, we might come before this House and we might say, " We are in a bad way ; we originally thought of merely asking for an increased amount of protection, but we think it would be much better for us if you ration all the imports of foreign textile goods and so arrange it that at the end of 5 years there will be no imports of foreign textiles. And the prices of our textiles will not go up as there are hundreds of different people concerned in producing textiles on handlooms and powerlooms all over the country, and the production of the largest group of millowners in India is very small compared with the total production, which total production satisfies two-thirds of the needs of India. That is to say, we only require an increase of 50 per cent. on our present production. We can easily expand our production by 10 per cent. per annum for 5 years, and why should you be afraid therefore that prices will go up." Supposing I did make that request ; I think my friend Mr. B. Das would challenge me and say with a great deal of reason, " It may only appear a modest 10 per cent. increase per annum, but if you dislocate supply and demand you might find that the supply did not expand as quickly as the restrictive part of your measures and the price of the commodity may go up considerably for a period at any rate." And I should find very great difficulty in replying to the criticism of my friend Mr. B. Das. But that is what we are asked here to agree to. The Scindia Steam Navigation Company owns a very large percentage, probably more than 50 per cent., of the present Indian tonnage, and the total tonnage is only 13 per cent. not 66⅔ per cent. of the requirements. You are therefore suggesting that they should expand at the rate of over 125 per cent. per annum for 5 years, and we are asked to agree that this expansion will take place so very easily, that there will be plenty of competition and freight rates will not rise. I feel as a practical man I cannot accept such statements in that way. Now, you might have Mr. B. Das's suggestion that there should be maximum limits for the rates ; that by legislation we should provide that freights must not rise above a certain rate. I disapprove of such legislation. It never works out in practice, because suppose the limit you put is too low, what does it mean ? It means that you are not going to give a sufficient return to your investor on his money, and therefore he will not put any more money into the industry. It will therefore mean that you will have the amount of outside freight decreasing year by year and no increased national freight

to take its place. It will be the same situation as we had in the war. The shipowners will only be allowed to charge a certain freight. Shippers in the absence of competition will pay more, but that will not go into the pockets of the shipowners, it will merely go into the pockets of the freight speculators, and that, Sir, is what I wish to avoid.

Now, Sir, I do not feel at all satisfied that this Bill is necessary merely to carry out the restriction of coastal traffic to Indian nationals. I think this might be done more satisfactorily in another way ; and, Sir, I do think that we must consider my friend Mr. Haji's remarks ; we must examine his statements with the greatest care. There was an objection taken to a reference made by my friend Sir James Simpson as to Mr. Haji being a paid servant of the Scindia Steam Navigation Company. I can see nothing derogatory in being a paid servant ; many Honourable gentlemen on these Benches here either are or have been paid servants ; and we do not consider it is at all derogatory to be a paid servant ; but Mr. Neogy appears to take exception to the term—perhaps I understand why my friend Mr. Neogy objected—Mr. Neogy is not a paid servant Mr. Neogy belongs to the legal profession. Mr. Neogy looks down on paid servants because he, like my friends on the Government Benches, might be called a paid master (Laughter) ; we pay and they are our masters. But that we, on these Benches, should object to the term is inconceivable. Now what my friend Sir James Simpson wanted to emphasize was that Mr. Haji represented the shipping interests and was an interested party. Now, Sir, when I get up and I ask for legislation on behalf of the textile industry, everybody knows that I am a member of the Millowners' Association, that I am an interested party and they therefore examine my remarks much more carefully than they would have if made by my friend Lala Lajpat Rai, for instance. It is only natural. Now, what my friend, Sir James Simpson, wanted to show was this : that we must not accept Mr. Haji's remarks without extra careful consideration, because Mr. Haji is in this case an interested party and he is not merely representing the views of the rural voters of the Non-Muhammadan Central Division of Bombay. That is the point ; and I will go further. Mr. Neogy has supported with much vehemence my friend Mr. Haji. Does Mr. Neogy expect us to think when he is supporting this very big maritime question that he is definitely voicing the considered rural opinion of the Non-Muhammadan Division of Dacca ? That is the whole point. Mr Haji must admit that he is an interested party and Mr. Haji therefore cannot resent the fact being brought out in this House or resent it if we examine his arguments more closely than we might otherwise do.

I do not wish to take up the time of the House ; I know there will be many other speakers. I will therefore sum up the requirements which I consider are reasonable, on behalf of my Association. These are the points that I should like to be satisfied on.

1. That there will be no acquisition of assets whether tangible such as ships or intangible such as good-will, without proper compensation.

2. That there will not be so many loopholes as to render the scheme impracticable or unworkable.

3. That the desired end can be achieved without raising freights appreciably, or, at any rate, unreasonably from the traders' point of view ; and

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4. That there will be sufficient tonnage at all stages for the needs of merchants.

It is no good saying to me—I quote Mr. Haji,—" It will not do with any honesty to say that you approve of the desire often expressed to develop Indian shipping, but you regret you cannot approve of this measure." I ask why should we use his method ? What about the Australian method ? Why should not we say that we will license ships and lay down that every ship that is going to serve the coastal trade should carry out certain conditions; that they should have an Indian personnel, that when the time comes when we can supply the higher personnel for the officers, that they should be entirely manned by Indians ? In other words, why should we not by license achieve the end in view, *viz.*, that the ships should be manned by Indian personnel ? and that is what we really want. This is what I asked at the millowners' meeting, and I was told that the difference between the Indian Bill and the Australian Act was that the Australian method only dealt with labour and that this Bill was intended also to benefit the Indian capitalists. (*Mr. N. M. Joshi* : Hear, hear.) Here Mr. Joshi and I are at one. I am not in favour of special legislation, merely for the benefit of special capitalist interests any more than Mr. Joshi is. Sir James Simpson has shown that the result of this Bill will only result in the transfer of dividends from British shareholders to Indian shareholders. Are we therefore to be asked to approve of this new principle of expropriation, of financial racial discrimination merely to this end ? I should be surprised if this House considered that I was taking an extraordinary view if I suggest " No " as the reply. I say that it would be surprising if Members were not prepared to support the conditions and safeguards I have laid down. I sympathise with Mr. Shanmukham Chetty's views, but I cannot see that because I sympathise with his views that I should be prepared to accept this Bill. License your coastal trade if you like, to ensure that the personnel will be all Indian as soon as you can train your nationals. Lay down the principle that your mail contracts and Government support should go to ships owned by rupee companies, if you wish. Place a surtax on all goods and passengers taken from one port to another in an unlicensed ship, and so give preference to your licensed lines, if you so desire. In all this I will support you, but to a Bill like the one before us, unless it is so radically altered that it will not be the same Bill, I will offer the most strenuous resistance in my power.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I congratulate the Honourable the Commerce Member on the admirable spirit of his speech, but I am sorry I do not agree either with his argument or with his conclusions.

The Honourable the Commerce Member and the Honourable Members of the European Group made a reference to the observations made in the Nehru Committee Report relating to European commerce, in support of their contention that no discriminatory legislation should be undertaken. In my judgment, the use they have made of these observations was extremely unfair. I do not claim to be one of the authors of that Report, but I do claim to be one of its principal supporters. I have practically accepted that Report entirely, except on some minor points which do not matter much, and I was the mover of the resolution which purported to adopt that Report in the All-Parties Conference. I endorse

the observations to which reference was made, both in their spirit and in their letter, wholeheartedly, and I say that it is not open to the Honourable the Commerce Member and the Members of the European Group to refer to those observations as a reply to this Bill, for the simple reason that we have made it absolutely clear in our resolutions and speeches that that Report stands or falls as a whole. You cannot take it piecemeal. It is extremely unfair on the part of Honourable Members on the other side to pick up one observation in that Report without accepting the rest of the Report. My friend, the Leader of the Opposition, made a sporting offer. Now I make another offer. Let Honourable Members accept that Report as a whole, and they will see that we will actually carry out in practice those observations in a faithful spirit. Then, if we do not do so, they can complain that we have not followed the spirit of the observations. At present they are all engaged in denying to us such political rights as will guarantee to us responsible government ; they are opposing very strenuously our right to Dominion Status. Yet they want to take advantage of an observation which can only apply if Dominion Status is granted or secured. I submit that the argument is hypocritical and unfair. Let them accept that Report in its entirety. Let them join with us in obtaining Dominion Status, and they will see that we will carry out the promise implied in those observations to the very letter and will not depart from it by an inch or an iota. But to deny us the political power and then to rely upon these observations is, I repeat, extremely unfair. It is not playing the game. It is hitting below the belt.

Now, Sir, I do not admit that this is a discriminatory piece of legislation. I am going to prove that it is not. But even if it were so, considering that at the present moment all the political power which the Government possess and which the European Members possess, is being used against the Indians, we shall be perfectly justified in passing this piece of legislation, if by this means we can protect our shipping industry, or we can rehabilitate ourselves in matters in which we have suffered loss by the wielding of political power by others. Then, Sir, before I come to the point that this is not a discriminatory piece of legislation, I want to dispose of one of the arguments of the Honourable the Commerce Member in which he referred to the struggle which the Government of India is carrying on with the Dominion Governments for the sake of India. Here again, I must say, Sir, that the argument of the Honourable the Commerce Member was absolutely fallacious and untenable. The argument comes to this. We have tried to get equal status for Indians in the Dominions, and here you come forward with this piece of legislation which denies equality to European merchants engaged in trade in India. I submit, Sir, that that is not the position at all. The Honourable Member has absolutely misread our position. In connection with the Dominions what we want is that the Dominion Governments should recognise our status as Dominion nationals. South Africa, Canada, Australia and all other Dominions deny to us the right of being their nationals and they deny us all political rights which follow therefrom. Here in this country, the Europeans, the members belonging to the European group of merchants, do not want to be Indian nationals at all. They look down upon that status ; they treat that status with contempt and rightly too. (*Several Honourable Members of the European Group* : " No, no ".) They want to rule over us, they want to exploit us. (*Several Honourable Members of the European Group* : " No, no ") They do not want to

[Lala Lajpat Rai.]

become Indian nationals. If they were to become Indian nationals there will be no question of racial discrimination at all. My Honourable friend Sir Victor Sassoon the other day, in the course of the debate on this subject, said " he was not an Indian, he had never pretended to be an Indian "; and so also the other Members of the European Group have never pretended to be Indian nationals. They do not want to be Indian nationals, and yet they want to control Indian legislation, Indian trade, Indian finance and rule over India eternally. The two positions are entirely different. We do not want our rights to be recognised in South Africa and other Dominions as Indians. We want to be recognised as citizens of the Dominion by virtue of our residence, by virtue of our trade and by all those qualifications which can make us nationals of those countries. The Europeans do not want to be recognised as Indian nationals ; what they want is exceptional treatment. (*Several Honourable Members* : " No, no ".) They want racial discrimination between Europeans and Indians. (*Several Honourable Members* : " No, no ".) Yes, Sir, I say, " yes ", ten times, twenty times and a hundred times " yes ". By denying this you are not going to alter facts. You have reduced yourselves to this anomalous position by refusing to become Indian nationals. You do not claim to be Indian nationals, and yet you claim to control our Legislature. Do you find that position in any other country on the face of the globe ? I can understand their right to come and trade in this country. Let them all come and do their business. Let them make any amount of money. But certainly it is extraordinary to claim that by virtue of their political power in this country, they have got the right to control the Legislature of this country. This they claim by virtue of the power which the British possess over India. But that is not what we want to claim in the Colonies. Therefore, there is no analogy between the two cases. Why, Sir ? I sometimes wish that Honourable Members do not talk of discriminatory legislation. This does no good to anybody. What do we see in practice ? The whole method and the structure of Indian government, fiscal, military and political, is one continued evidence of discriminatory legislation. There is discriminatory legislation even in the Reforms that were introduced in 1919. Take for example this Legislative Assembly where we are supposed to have a majority. Yet we are not sure of passing this measure through the Assembly, nor are we confident of placing it on the Statute-book. Even if the Assembly passes this Bill against the wishes of the Government, they have got the Council of State which is entirely in their pocket. Then they have got the vetoing power of the Governor General. Then they have the vetoing power of the Crown on the advice of the Secretary of State. We cannot be sure of carrying this measure through even if we pass it at this stage, *i.e.*, of enacting it into law. Is this not racial discrimination, is this not discriminatory legislation ? For those gentlemen over there to accuse us of discriminating legislation against them is absurd. The whole of their activities, the whole of their trade in this country, is based on discrimination. One comes across discrimination on the railways, discrimination in ships, discrimination everywhere, all down the line. For the Europeans to complain of discriminating legislation by us is, I submit, entirely unreasonable and ridiculous. Sir, I submit that so far as this Bill is concerned there is no question of discriminatory legislation or of racial discrimination, and one evidence of that come from one of the Members of the European Group itself. In an article

published on August 17th, the Editor of the *Statesman* in the course of a leading article says :

" Commenting yesterday on Mr. Haji's Bill for the reservation of the coastal trade to Indian shipping, we expressed the unequivocal opinion that it is a bad Bill, but at the same time we took the point that it was not in itself evidence of an Indian desire for racial discrimination, because in fact other countries have protected their coastwise trade, and the hundred per cent. Britisher in Australia does not hesitate to discriminate against the shipping of the Mother Country."

In another article which appeared on August 16th, the same writer said :

" There is however another class of measure such as Mr. Haji's Bill for the reservation of the coastal trade and Mr. Neogy's inland water traffic Bill. These are in our opinion bad Bills, but it must be conceded that they are in themselves no proof of racial discrimination. The Dominions not only have the right to pass similar measures but they do pass them, and the hundred per cent. Britisher in Australia does not hesitate to prohibit the shipping of the Mother Country from coastwise trade."

So, Sir, I submit that we are only trying to do—not doing ; we cannot do it because we have not the power—but we are trying to do what other countries in the world, what the greatest maritime countries have done in this matter to build up their shipping industry. It is a long tale, the tale of the exploitation of India by the British, and I have no time to repeat it here. Clive, Hastings, Macaulay and James Mill all have told that tale. Brooks Adams, the great American writer, has also referred to that fact. He along with some British writers have pointed out that in the seventeenth century England was devoid of money, it was on the verge of a great contraction of money and their currency had substantially depreciated so much so that they had no capital to put into practice the inventions of Watts and others. This was, however, made possible by the help of the treasures they took from India. They built up the whole of their industries—the Industrial Revolution itself was brought about by the loot from India with the help of the treasures they obtained from us. They destroyed our industries by the use of the political power they had obtained over us ; and for over a century by the use of the same political power they have prevented us from developing our industries. That is shown by the history of the textile industry. Shipbuilding has also been included in the same process. Therefore, for them now to come forward and say that our effort to reserve our coastal traffic for our own ships is a measure of racial discrimination is a statement unworthy of them. It really does not come well from men who claim to be honest, who have read the pages of history and know the actual conditions of things that have been going on in India.

Sir, there are other Members who want to speak, so I will not take up much more of the time of the House ; but I submit that this Bill is a perfectly legitimate attempt to rehabilitate our shipping industry. My Honourable friend Sir Victor Sassoon's speech delivered with his usual eloquence and oratory contained but very little about this Bill. Much of his speech was about pills and medicines. He spoke of the textile industry, but may I ask him honestly to say if the textile industry stands on the same footing as the shipping industry ? Shipping is not only a key industry essential to the economic prosperity of any country, but a key industry on which the safety and even the existence of a nation depends. We wish to establish an industry upon which actually our existence as a nation will depend. There is no comparison at all between the textile industry and the shipping industry. If we had the power in our hands—the power of the public purse and the political power—we

[Lala Lajpat Rai.]

would have established this industry long before to-day on a safe basis in the same way as Japan did, as Australia did, and as Chile did—to which country Sir Charles Innes had to go to support his arguments—and as other nations have done. What has Great Britain herself done? Look at the Encyclopœdia Brittanica and the article on the maritime shipping of Great Britain; you will see that at the time when they had no shipping or very little shipping of their own, they prohibited any goods or articles from being brought to England in any ships except British ships: That is how they protected their shipping at first. Now that they have grown fat on Indian riches, Indian trade and the exploitation of India, they say "No; your present Bill is discriminatory, we will not support you in any such legislation. We ask you to compete with us on equal terms." They taunt us and say "You build your ships in our shipyards; you get our men to run the ships and yet you want to introduce this racial discrimination." But, Sir, what is that due to? Is it not due to the fact that you have destroyed our old shipbuilding industry; you have made us helpless? And now that we want to help ourselves a bit you call it racial discrimination. You will not take one single Indian to be trained in your ships. Is that not racial discrimination? It is all very well for Sir Victor Sassoon to say "Oh, yes; let your men come; we will employ them, and we will employ other Indian labour also. But this Bill is designed to help the Indian capitalist as against the European capitalist. That is objectionable." But why do you, British capitalists, want to deprive the Indian capitalists of their chance? Sir, this is a very strange argument. I thought that both kinds of capitalists were in conspiracy to protect their interests; but here it seems that the British capitalist thinks his interests clash with the Indian capitalists and therefore he is prepared to strangle the Indian capitalist and keep the whole thing in his hands. Sir, like my friend, Mr. Joshi, I am not a friend of any capitalist—Indian or British—but I must submit that all this talk of personnel and labour is absurd because under the present condition of things no Indian ship can possibly train any Indians to run steamers and ships. Indian shipping capitalised by Indian capitalists is absolutely essential if India is to develop her shipping industry. This has been proved abundantly by the evidence given before the Mercantile Marine Committee. My Honourable friend Mr. Shanmukham Chetty has pointed out how many Indian shipping companies were started and ruined—not because they had no business—but because other companies killed them by the rate-war. I have just received a telegram this morning from the Bengal Muhammadan Association, Rangoon—a different wire from that received by U. Tok Kyi—which says:

"Bengal Steam Navigation Company Limited with ten lakhs opened steamship service between Rangoon and Chittagong in 1922, but owing to unfair competition of foreign steamship companies which reduced passages from 12 to 2, former failed after five years' hard struggle. Subsequently the latter companies raised the rate from 2 to 14."

reduced it first from 12 to 2 and then raised it from 2 to 14 after the other company had been killed.

"Now Bengal Burma Steam Navigation Company floated recently with 25 lakhs running regular service between various ports, foreign capitalists have begun rate-war reducing passage from 14 to 4 and freight rate from 17 to 4. Unless coastal traffic reserved for Indian capital, no chance for Indian enterprise. Entirely support and wish success Haji's Bill."

Now, Sir, these are the facts. This is the latest exhibition of fair-play on the part of European shippers. This telegram is sent not by a Hindu capitalist, but by a Muhammadan Association from Rangoon. They have the same complaint as the Hindu capitalist had at one time. They say they want protection and that this competition is extremely unfair. It is like a grown-up man of 30 asking a boy of 10 to stand up in open competition with him. These European shippers now talk of competition. They have taken away our capital; they have destroyed our industries, they have prevented us from developing our shipping, and to-day they say, "Enter into fair competition with us." How can we possibly do it? We want our Government therefore to give us the same powers and opportunities which the Governments of other countries have given to their people. We want our Government to use the same powers which the Governments of other countries have used, in building up the shipping industry in this country. Sir, the shipping industry is a key industry. It is absolutely necessary for the defence of the country; it is absolutely necessary in times to come for our existence as an independent and free nation. Therefore we are asking for protection to rehabilitate our shipping industry, and we are not asking for any racial legislation. That, Sir, is the real way in which this legislation should be looked at. It is not a question of interfering with the business of the Europeans. We do not want to interfere with their business. Let them come and do their business; by all means come and trade in this country; we do not object to it at all. We do not want to interfere in any way with their business. But this shipping industry stands on an entirely different footing. It is not like the tea industry; it is not like the indigo industry; it is not like the textile industry; it is an industry upon which practically the life of a nation depends, and therefore, I submit, that there is not racial discrimination implied or involved in this legislation at all. Nor is this a piece of discriminatory legislation. We are using the powers that are given to us by the constitution for the purpose of building up an industry and rehabilitating ourselves against the losses we have suffered in the last two centuries. We are perfectly justified and within our rights to ask for this legislation, and the arguments advanced by several Honourable Members on the opposite side that this would mean racial discrimination are absolutely beside the point.

I shall say one word more, Sir, before I sit down about what the Government have done so far for us in the Dominions. The Government of India take pride—and I think I should thank them for what they have done so far—they take pride for the struggle they have carried on in the Dominions on our behalf. But how could those Dominions respect the representative of the Government of India when they know that in India itself the Indians are nothing better than helots? When we need no political rights in our own country, when we were no better than helots in our own country, how could the Government of India help us in South Africa? Under these circumstances how could we with effect claim any political rights and equal citizenship in South Africa? They knew very well that the Government of India have not given us any political rights, and naturally the Government of India's efforts on our behalf could not achieve much in South Africa. No Dominion will listen to them, because they have the Government of India's own policy and practice before them; they know that the Government of India's own methods in this country are entirely opposed to the principle which they advocate

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for us in the Dominions. Therefore, the Dominions cannot give us equal status there unless we get some political rights in our own country. We cannot pass any law in this country except by the help of the European Merchants because the political power is entirely in their hands. Therefore, I submit, Sir, that these arguments are quite fallacious.

On the merits of the Bill, Sir, certain points were made by the Honourable the Commerce Member and others on the opposite side. My friends Messrs. Chetty and others have replied to them. But if any changes are to be made in the Bill so as to ensure fair treatment to all, they can be made in the Select Committee. We are at the present moment only in the consideration stage ; we are only asking that the Bill should be referred to a Select Committee, and therefore my friends opposite are not prevented from having any difficulties they may have, considered in the Select Committee. They are not insurmountable difficulties ; it is not so very difficult to overcome them. We have at present only to consider those objections which go to the root of the Bill and which cannot be improved upon and which cannot be considered in the Select Committee. I therefore support the motion.

An Honourable Member : I move that the question be now put.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I claim the indulgence of the House for a very few minutes, and I do not desire Honourable Members opposite to buckle up their economic armour, because I do not intend either to seek out the weak spots in that armour or to break a lance against it. It is quite clear, Sir, that nothing is more difficult to contend against in a debate than that intangible but most formidable of all factors, an atmosphere. Honourable Members opposite very strongly favour the provisions of Mr. Haji's Bill. I should be the last person in the world, being an Indian myself, to say that there is not the force of nature and the force of patriotism behind the desire to see revived an Indian mercantile marine.

In fact, Sir, if I understood correctly the statement made by the Honourable the Commerce Member the other day, that is the position of the Government also, namely, that every effort should be made to bring into being an Indian mercantile marine. The question really is, whether the provisions of Mr. Haji's Bill constitute the right method, the right procedure, the right path for achieving this national end.

Now, Sir, as I have already said, I do not wish to break my lance, feeble as it is, against the economic armour of Honourable Members opposite. The Honourable the Commerce Member no doubt will take care of that. But, Sir, I think that it is only right and proper that one aspect of the case which was put by the Honourable the Commerce Member the other day, but perhaps not developed at length, should be explained to the House. I am referring, Sir, to the effect of the proposed legislation on the status and position of Indians in other parts of the British Empire. In the course of his admirable, his characteristically admirable and lucid and pointed speech, Mr. Shanmukham Chetty this morning referred to the Resolution of 1918. He said the Dominion Governments have taken power, and the representatives of the Government of India acquiesced in that, to regulate the composition of their own population. Quite right. That is not challenged. But what does that

amount to ? That does not involve the right to send away either from South Africa or from Australia or from New Zealand the Indians who are already settled there. It does not involve the right to take away from the Indians who have settled in South Africa or Australia or New Zealand such economic rights or privileges as they enjoy to-day. (*An Honourable Member* : " What are they ?) I shall come to that, Sir. That is not the point in issue at the present moment. Now, Sir, I do not profess to have studied Mr. Haji's Bill very carefully. But judging from the speeches which were made this morning I should say that there was no provision in the Bill to safeguard European capital or the capital of the nationals of other British Dominions, including the United Kingdom which is already invested in the shipping trade in this country. I do not really think, Sir, that the Resolution of 1918 exactly helps my friend Mr. Chetty. For while that Resolution aims in protecting existing rights, Mr. Haji's Bill is silent on that point. Then, Sir, there is another point which was made by the Honourable the Leader of the Nationalist Party. It was this. What is the good of saying that there is an analogy or a parity between the struggle which the Government and the people of India are carrying on in order to secure equality of status for Indians who have settled in other parts of the Empire and the struggle which the representatives of the European group are carrying on to-day in order to safeguard what they consider to be their right ? There is according to my Honourable friends no parity between the two at all, because the Honourable Members of the European Group and the people whom they represent are entrenched in a position of political dominance and power in this country, whereas the Indians in South Africa are not in a position even of political equality. Now, if I may respectfully make a statement or a comment to this effect, that really misses the point. We are not at the present moment comparing the political status of the unofficial European community in this country with the status of the Indian community in South Africa. The question really is whether the underlying principle of the measure which is under consideration now will in any way weaken the struggle which the Government of India, in consultation with and with the co-operation of Honourable Members opposite and Indian opinion outside the House, are carrying on to secure equality of status for Indians who have settled beyond the seas.

Mr. R. K. Shanmukham Chetty : If I may be permitted to interrupt the Honourable Member it will clear up the issue. Does my Honourable friend contend that there is any steamship company owned by any of the Dominion subjects which is now plying in the coastal trade of India and which will be expropriated by this Bill ?

Mr. G. S. Bajpai : The point is not whether there is a Dominion company plying in Indian waters and whether it will be expropriated by this Bill. Does my Honourable friend opposite contend that the citizens of the United Kingdom who are settled in this country are not British subjects in exactly the same way as Dominion subjects are ?

Lala Lajpat Rai : They are not Indian nationals.

Mr. G. S. Bajpai : They need not be Indian nationals, but the point is this. Sir Tej Bahadur Sapru at the Imperial Conference of 1923 and the Right Honourable Mr. Sastri before him at the Imperial Conference of 1921 pleaded for political and economic equality for Indians. What was the principle on which they based their plea for political equality, and for economic equality for Indians in the different parts of the British

[Mr. G. S. Bajpai.]

Empire ? The plea was that if you own a common allegiance, then you derive as an inevitable corollary from that common allegiance political and economic equality. What I say is, and I submit that in all humility and with all respect,—what I say is that if you place on the Statute-book in this country any measure which involves an infringement of that principle, the principle of common allegiance involving complete equality of rights— to that extent, to the extent of that infringement, you are weakening the arms of those who are trying to secure equality for Indians who are settled in other parts of the British Empire. I will try and illustrate this by an incident which came within my personal experience. As Honourable Members of the House are aware, the Union Assembly had before it early in 1926 a Bill known as the Areas Reservation, Immigration and Registration Further Provision Bill. It was commonly known as the Class Areas Bill, and one of the provisions in that Bill was that Indians should be allowed to have proprietary rights in land only in areas which were to be set apart for them. We naturally protested against this, and when we went to give evidence before the Select Committee of the Union Assembly on this point, two or three Honourable Members of the Union Assembly said, " But why do you come and say this ? What right have you to come here and say we should not restrict in some form or another the right of Indians to own property ? Are there not parts of India where European British subjects are prevented from acquiring property ?" I retorted, " So far as I am aware, there is no province in British India where any British citizen is prevented from acquiring landed property." Then one of the gentlemen asked me, " Yes, but what about Kashmir ? " Of course, that gentleman betrayed a profound ignorance of the political geography of this country, and I promptly corrected him. I said that Kashmir was not part of British India. Further, I went on to say that in Kashmir this restriction on the right of acquiring property was applicable not only to the Europeans who apply but to British Indian subjects also and therefore he could not possibly bring that up against us. I proceeded and mentioned that so far as our existing laws were concerned there was no such restriction on European British subjects. Well, Honourable Members are aware as to what the result of the negotiations which started then and were completed at Cape Town early in 1927 was. I merely wish to lay this before the House, that in so far as we embody in our legislation any principle which can be described or which can be construed as marking an infringement of or a subtraction from that principle of common allegiance carrying equal rights, for which we have invariably contended at successive Imperial Conferences, for which we are contending now, and for which we propose to continue to contend as long as Indians in the different parts of the British Empire do not achieve the full equality that we on this side of the House and on the opposite side desire—as soon, I say, as we place on our Statute-book any legislation of this character, we shall stand to lose. The moment we do depart or deviate from the principle on which we base our case, then I fear that there is a possibility, indeed, more than a possibility, there is a grave risk, that we shall be weakening, as I have said, the arms of those whose one endeavour is to secure equality for Indians who have settled in other parts of the Empire. I do not see how the argument which I have put forward does not meet the argument of my Honourable friend, Lala Lajpat Rai. Lala Lajpat Rai's argument, if I

may say so, is a purely political argument. I am not pursuing a political argument. I am contending, as I say, to establish the sanctity, if you like, of the principle on which our case has so far been based.

Lala Lajpat Rai : Who has accepted that principle ? Nobody has accepted that principle.

Mr. G. S. Bajpai : Which principle does the Honourable Member refer to ?

Lala Lajpat Rai : The principle of equality of British subjects in all parts of the British Empire.

Mr. G. S. Bajpai : If that principle is not fully accepted, it does not follow that we are to sit with folded arms and say that it will never be accepted. I really do not admit that that in itself is an argument for our throwing away from our armoury such weapons as we happen to possess. As I have said, I do not pretend to have anything like the experience or ripe judgment of Honourable Members opposite, but I do submit that in a matter of this kind, we would do well to pause and reflect before we take a definite, and, it may be, decisive step on a path which promises prosperity but which, I fear, will lead to peril.

Lala Lajpat Rai : Does not the Honourable Member remember the news of the incident which was received only yesterday regarding the treatment of Mr. Sastri by the Deputy Mayor in a place in South Africa where he was being received ?

Mr. G. S. Bajpai : I do, Sir, and I may mention to the House that the Governor General of South Africa as the head of the Government of the Union of South Africa promptly dissociated himself from what happened, apologised for what had happened and promised immediate action against the perpetrators of this delinquency.

Khan Bahadur Haji Abdullah Haji Kasim (West Coast and Nilgiris : Muhammadan) : Sir, I have great pleasure in supporting the motion moved by my Honourable friend Mr. Sarabhai Nemchand Haji. In doing so, I should like to draw the attention of the House to one or two points in the Bill, which, I think, the author has apparently overlooked. In the first place, there is the case of shipping companies, whose capital is mainly Indian but whose managing agents are foreigners. For instance, take the case of the Bombay Steam Navigation, Co., Ltd., whose capital, as Honourable Members are probably aware, is preponderatingly Indian, but whose managing agents are Messrs. Killick Nixon and Company, of Bombay, which is a foreign agency. Now, such companies, according to sub-clause (*3*) of clause 2 of the Bill under consideration, will not be able to operate in this country with the result that they will cease to work. Consequently, not only will the share-holders be seriously affected, but also the trading classes and travelling public will be put to great hardship and trouble. The steamers owned by the Bombay Steam Navigation Company being small, having a carrying capacity below 1,000 tons, are catering to the needs of all classes of people on the west coast, and it is highly desirable that small steamers of this type should be encouraged, as far as possible, as they will be very useful in carrying cargo and passengers from large ports to small ports and *vice versa*. Sir, small steamers play a large and important part in the coastal trade of India. They require, as the House is probably aware, a small draught of water and hence can touch smaller ports, where they can anchor nearer the shore

[Haji Abdullah Haji Kasim.]

and facilitate the process of loading and unloading. These small steamers are really a great boon to merchants trading at small ports where harbours, docks and other modern conveniences do not exist. It is,therefore, necessary that some modification should be made in the Bill so as to bring the companies, constituted as the Bombay Steam Navigation Company is, within the purview of this Bill.

Then, Sir, in the second place, the author of this Bill has stipulated a a period of five years for complete reservation of the coastal traffic of India to Indian vessels : but, Sir, I fear that complete or even partial reservation may not be practicable by that time. It is doubtful whether Indian capital, which is proverbially shy, will come forward owing to the failure of shipping companies in the past. Sir, at a very modest estimate, I think that about 100 ships will be required to meet the demand of the coastal trade of India, and assuming that it would cost about ten lakhs of rupees per ship, something like ten crores of rupees would be required to purchase the full complement of steamers ; but, as I have already said, I have very grave doubts if the necessary Indian capital will be forthcoming due to its bitter experience in shipping enterprise in the past. Further, the existing foreign companies will naturally, if the Bill becomes law, raise their freights to the great disadvantage and detriment of the Indian consumer, and because of the absence of the full complement of Indian steamers, the coastal trade will, I fear, suffer immensely. Even taking for granted that there are 100 ships ready to take part in the coastal trade, the foreign companies, having been deprived of their legitimate right of participation in the coastal rade, will naturally raise their freight This will consequently mean a great drain on the purse of the Indian consumer as well as the Indian exporter. At the same time, Honourable Members are well aware that India exports a larger quantity of her raw materials than what she imports from foreign countries, and in this process the passing of the Ratio Bill last year has already severely hit the exporters of this country. If, therefore, the existing foreign shipping companies on whom we have to entirely depend at present for carrying our goods to foreign countries were to enhance their freights, the exporters will be doubly hit. It is therefore absolutely necessary that we should have a sufficient number of large ocean-going steamers to cope with our foreign trade as well as to keep the overseas freights within bounds Sir, I hope the Select Committee will consider all these points very carefully.

As I have said, I am entirely in favour of the principle of this Bill Before I resume my seat, I should like to thank Mr. Haji for bringing forward this measure which will go a great way in building up an Indian mercantile marine owned, controlled and managed by Indians.

Several Honourable Members : I move that the question be now put

Mr. President : The question is that the question be now put

The motion was adopted.

Mr. President : Has the Honourable Member given a list of the Select Committee ?

Mr. Sarabhai Nemchand Haji : Yes, Sir, I gave a list of Honourable Members last time.

Mr. President : I was told by the Secretary that the Honourable Member had not given the list, though I was under the impression he had.

Mr. K. Ahmed : Sir, other Members should be mentioned, as additional Members ; otherwise the Committee will not be able to deal with this matter. Secondly, there is no mention of Members of the Select Committee in this motion. Under these circumstances, the motion should be postponed till the next Session.

Mr. Sarabhai Nemchand Haji : The names of the Select Committee were handed over by me the last time and you were good enough to read out the names.

Mr. President : I have an impression that I did read out the names of the members of the Select Committee, but the Secretary says no.

Mr. Sarabhai Nemchand Haji : Sir, in making my reply to the speeches which have been delivered in this connection.....

Mr. President : Five minutes.

Mr. Sarabhai Nemchand Haji : I would just refer my Honourable friend who spoke last to the opinion of the Bombay Steam Navigation Company, Limited, on this Bill. It is to be found on page 72 of paper 2 of the Opinions on the Bill. This company, Sir, about whose welfare my friend is so solicitous, definitely approves not only of the principle of the Bill but of most of the details contained therein. Sir, with reference to my friend Mr. Bajpai who talked about discrimination, I would draw the attention of the Government Benches to the fact that they themselves have adopted the principle of a certain proportion of Indian capital being necessary for licensed Indian enterprises. And I want to know if when this principle was adopted by them did South Africa protest and have Indian interests in South Africa suffered thereby ? Again on the 5th September my Honourable friend the Industries Member said, in reply to a question whether the Government of India had insisted on arranging for 60 per cent. of the capital of the Indo-European Telegraph Company as part of a general policy, that this company had to receive a license from Government. They could not operate without a license and therefore in that case there was a special reason, apart from any general policy, why Government was perfectly entitled to lay down such a condition. My Bill, Sir, recommends that licenses be given for operating ships in the coasting trade of India, and on the analogy of the action of Government already taken, I ask where is there any discrimination here any more than when they insist that a certain percentage of the capital of a company shall be held by Indians ? The same thing is going to happen in the case of the civil aviation company. Why then all this talk about the evil effects of this Bill on the delicate negotiations in South Africa and elsewhere which, as is well known, always come to nothing ? So far as our countrymen in Africa are concerned, I am glad to say that the Bill has the support of all of them. The Indian Merchants' Chamber and the Indian Merchants' Association in Mombasa approve of the Bill. I have here a telegram from the Indian Merchant's Chamber, Mombasa. It reads :

"Cabled Government strongly supporting coastal traffic Bill. Wishing success."

That does not look as though the position of Indians in Africa is going to be worse after the passing of the Bill I have introduced and which is being discussed now. As you have given me only five minutes, Sir, I am

[Mr. Sarabhai Nemchand Haji.]

afraid I cannot go into the details of all those arguments to which the Honourable the Commerce Member referred as appearing in the speech of Sir Charles Innes. I agree with him that most of them are points of fact and therefore points for the Select Committee. It would have been very easy for me to demolish all those arguments and to show from published blue-books that most of the statements in that speech are very open to challenge. Their general character can be judged by the House from the fact that Mr. Shanmukham Chetty so easily and effectively disposed of the Chilian example of Sir Charles.

What is true with regard to Chili is true of other arguments of Sir Charles Innes.

4 P.M.

Sir, it has been said—and I shall just mention one point—that the coasting trade of India is seasonal and we have been asked what will happen to the Indian ships during the slack season. I have worked out the details and the following is the result. The average sailings from the following important ports are given in this list for every month of the year. The coastal sailings from Rangoon are 48 per month, from Madras 29, from Alleppey 18, from Cochin 18, from Bombay 17 and from Karachi 5. It is quite possible that there may be months in which the sailings may be two or three more or less, but I want to have this average on record, in order that the whole argument about the seasonal character of the trade may be demolished completely. (*An Honourable Member* : "What about the month of July ?"). Similarly, Sir, I have got an answer not only with regard to the month of July but with regard to each one of the twelve months of the year, and I am prepared to satisfy the Select Committee with regard to the hollowness of this seasonal trade argument.

Now, Sir, as I have already exceeded the five minutes that you have allotted to me.....

Mr. President : Order, order.

Mr. Sarabhai Nemchand Haji : Sir, I therefore move the motion standing in my name.

The Honourable Sir George Rainy : I do not propose, Sir, after this long debate to address the House at any length ; indeed after the speech I inflicted upon the House last week, it would be unreasonable of me to take up much of the time of this House to-day. There are, however, certain points that have been taken by some of the speakers to-day to which I think I ought to refer, and I will begin with that very interesting speech delivered by my Honourable friend Mr. Chetty. In so far as he dealt with the question how far the passing of this Bill might affect the position of Indians in the Dominions, I do not propose to say anything more, because the point has been very fully and ably dealt with by my Honourable friend Mr. Bajpai. I will therefore pass on to the other points in Mr. Chetty's speech, and I may say I was glad that at any rate one speaker on the other side was prepared to deal with the economic arguments advanced by Sir Charles Innes some 2½ years ago. Mr. Chetty began by repudiating what Sir Charles Innes claimed as axiomatic, namely, that the reservation of the coastal trade would mean economic loss in some form or another. Of course it is not much use claiming as an axiom what other people do not accept, but it seems to me that there are far stronger reasons than Mr. Chetty was prepared to allow for the view that restrictions of this kind

mean economic loss in one form or another, and my Honourable friend Sir Victor Sassoon gave good reasons for thinking so. But I should like to point out that, although it is quite true that Sir Charles Innes did make the claim that the view he expressed was axiomatic, he also did a great deal more, for he proceeded with his usual thoroughness to advance a number of arguments in support of his opinion. Now, one of the reasons he gave for thinking that the reservation of the coastal trade was probably contrary to the economic interests of India and would result in loss was the seasonal character of the coastal trade, and this is a point which, as far as I recollect, has not really been dealt with by any of the speakers on the other side. If in the slack season of the year you need only 60 per cent. of the number of ships which are required in the busy season, then in order to operate the ships economically, you must find some occupation for the odd 40 per cent. in the slack season. That is a very important point. Under present arrangements, when the ships are not required on the coastal trade, they go to other parts of the world and operate there. It is by no means certain that if the coastal trade were reserved, the Indian ships would be able to be take themselves to other regions (*An Honourable Member* : "Why not ?") and take part in the trade there, because it is probable they would find themselves in regions up against rather strenuous competition.

My Honourable friend, Mr. Chetty, said that the existing coastal freights were not at the economic minimum, and he drew the inference that, even though the operation of the coastal trade might be rather more expensive under the restrictions, still the Indian companies would be able to carry on at a profit. All I can say is that, from time to time, it has happened that Indian shipowners have come to me and drawn my attention to the fact that the British India company, or some other company, has been cutting freights on the coast. The impression I always get is that these shipowners at any rate regard the existing freights as about the economic minimum. That is the impression I always get from them. The largest of the Indian companies—it is the company which Mr. Haji represents—is engaged at present exclusively in the Indian coastal trade, and it no doubt paid for the goods it carries at the usual freight rates, but I have not observed that it has been making exorbitant profits. Unless I am to infer that the management of that line is very much inferior to that of the British India, and that is not what I personally believe. The natural inference is that the British India and other shipping lines are not at the present time making large profits out of the coastal trade. Therefore although what Mr. Chetty said was perfectly true that, compared with the freights between India and Europe, the coastal freights look very high, still I think the weight of evidence is in favour of the conclusion that at present the Indian coastal trade is not a source of high profit to any of those engaged in it. If so, I think it pretty clear that merchants cannot look forward to any considerable reduction of freights as a result of reservation. And personally I adhere to the conclusion that it is much more likely to lead to an increase.

Mr. Chetty asked me especially to ascertain and inform the House what was Sir Charles Innes's authority for the statements he made about Chili. I have endeavoured to find out his source but have not till now been successful. Knowing Sir Charles Innes and the great care and thoroughness with which he went into such matters, and in view of the very definite and specific nature of his statement, I feel confident that he must have had before him definite information when he spoke. I am not entitled, it is true, to ask the House to take anything for granted in a matter of this kind, and

[Sir George Rainy.]

Mr. Chetty is quite entitled to ask the House to consider that particular instance which Sir Charles Innes gave in the light of the evidence he adduced. The evidence furnished by the reports referred to by Mr. Chetty that the reservation of the coastal trade did not result in an increase of freight in Chili, but rather the contrary. What actually happened according to the report—I think I am quoting the same passage as Mr. Chetty quoted—the tonnage acquired by the Chilian owners since the passing of this law resulted in a superabundance of vessels for the trade, and presumably when there is a superabundance of vessels, it is likely that freights will go up and will not go down. Now let us suppose that the same result happened in India as a result of reservation ; suppose that is to say that as anticipated by my Honourable friends on the other side, soon after reservation, so many ships were purchased by Indian owners that there was a reduction in freights owing to superabundance of tonnage. But could that state of affairs be permanent ? I am quite sure that if my Honourable friend Mr. Haji thought it was likely to be permanent, or perhaps I had better say if the company which he represents thought so,—for I know very well that my Honourable friend Mr. Haji has the development of an Indian mercantile marine very much at heart—but if the Scindia Steam Navigation Company thought that low freights would follow reservation, I am not sure whether that company would be particularly keen on the Bill. I am very doubtful about that.

I think, Sir, the only other speech to which I need refer is the speech of my Honourable friend Lala Lajpat Rai. I was a little surprised when he characterised the reference which I made, and which my Honourable friend Sir James Simpson made, to the Report presented to the Lucknow Conference as an unfair reference. I thought it had been made plain in the discussion last week that both Sir James Simpson and I had misunderstood the exact meaning of the particular passage we quoted from that Report. I think our misunderstanding was natural, and indeed inevitable, for reasons I gave at the time. Believing as we did erroneously no doubt that the passage we quoted would apply to such things as this Bill for the reservation of the coastal trade, we naturally appealed to the Leader of the Opposition for his support and vote. I do not think there was anything unfair in that. It might have been unfair if we had understood what his real meaning was and in that case, I am very doubtful whether personally I should have referred to the point at all. But my Honourable friend Lala Lajpat Rai went on to say this that we must take the Report as a whole, and that the two things went together, namely, the passage about the apprehensions of European businessmen, and the grant of Dominion status. It was not fair he said, to take one part and put aside the other part. I think that in this connection some rather pertinent questions may arise. I understood from what was said on the last occasion that, if the European business community were to nationalise themselves after the grant of Dominion status, then the undertaking against discriminatory legislation would be fully applicable. But I should like to know, and I imagine the European community will want to know, how they stand at present for, as I have pointed out before, the language used in the passage quoted is very strong and particularly the words " It is inconceivable ". However, I will not dwell on that further. No doubt the matter will come up again, and when it does some Members of the European Group may have questions to ask.

Now, Sir, before I sit down I will very briefly sum up the objections which Government urge against the acceptance by this House of the Bill before us. In the first place, we urge that the proposal is economically unsound and is not in the interests of India. We urge that it is likely to be ineffective owing to the existence of a number of non-British Indian ports on the coast of India. We urge that it is unjust to Burma. And finally—and this with me is the most vital argument—the Bill is open to objection in principle as involving both expropriation and racial discrimination, and we apprehend that the latter feature will have most unfortunate repercussions in South Africa and in other British Dominions. For these reasons, Sir, Government ask the House not to accept this Bill.

Mr. President : The question is :

" That the Bill to reserve the Coastal Traffic of India to Indian vessels be referred to a Select Committee consisting of the Honourable Sir George Rainy, Pandit Moti Lal Nehru, Mr. Jamnadas M. Mehta, Mr. R. K. Shanmukham Chetty, Mr. Satyendra Chandra Mitra, Maulvi Muhammad Shafee, U. Tok Kyi, Lala Lajpat Rai, Pandit Madan Mohan Malaviya, Mr. Ghanshyam Das Birla, Mr. K. C. Neogy, Mr. M. S. Aney, Sir Purshotamdas Thakurdas, Maulvi Abdul Matin Chaudhury, Nawab Sir Zulfiqar Ali Khan, Nawab Sir Sahibzada Abdul Qaiyum, Sir James Simpson, Rai Bahadur Tarit Bhusan Roy, and the Mover, with instructions to report before the 10th February 1929 ; and that the number of members whose presence shall be necessary to constitute a meeting shall be six."

Nawab Sir Sahibzada Abdul Qaiyum : Sir I beg leave to withdraw my name.

Mr. President : Did the Honourable Member agree to serve on the Committee before his name was put down ?

Nawab Sir Sahibzada Abdul Qaiyum : Yes, Sir, but I have changed my mind.

Mr. H. G. Cocke : I suggest the name of Mr. Lamb to represent the important commercial interests of Burma on the Committee.

Mr. Muhammad Rafique : Sir, I should like to add the names of Khan Bahadur Haji Abdoolah Kasim and Mr. Jehangir K. Munshi.

Mr. President : The Honourable Members are not entitled to suggest any more names at this stage.

Mr. H. G. Cocke : Mr. Lamb had no opportunity of speaking on the question to-day and he is very anxious to serve on the Committee. Mr. Lamb has special reasons for serving on the Committee as he is interested in the question as oil tankers.

Mr. President : The question is :

" That the name of Mr. Lamb be added to the Committee."

The motion was adopted.

Mr. President : The question is :

" That the names of Mr. Haji Abdoolah Kasim and Mr. Jehangir K. Munshi be added to the Committee."

The motion was adopted.

Mr. President : The question is :

" That the Bill to reserve the Coastal Traffic of India to Indian vessels be referred to a Select Committee consisting of the Honourable Sir George Rainy, Pandit Moti Lal Nehru, Mr. Jamnadas M. Mehta, Mr. R. K. Shanmukham Chetty, Mr. Satyendra Chandra

Mitra, Maulvi Muhammad Shafe, U. Tok Kyi, Lala Lajpat Rai, Pandit Madan Mohan Malaviya, Mr. Ghanshyam Das Birla, Mr. K. C. Neogy, Mr. M. S. Aney, Sir Purshotamdas Thakurdas, Maulvi Abdul Matin Chaudhury, Nawab Sir Zulfiqar Ali Khan, Sir James Simpson, Rai Bahadur Tarit Bhusan Roy, Mr. W. S. Lamb, Khan Bahadur Abdoolah Haji Kasim, Mr. Jehangir K. Munshi, and the Mover with instructions to report before the 10th February 1929 ; and that the number of members whose presence shall be necessary to constitute a meeting shall be six."

I have allowed the Leader of the European Group and Mr. Rafique to move for the addition of further names to the list of the Select Committee at this late stage. This I think is irregular and the procedure will not be treated as laying down any precedent.

The Assembly divided :

AYES—71.

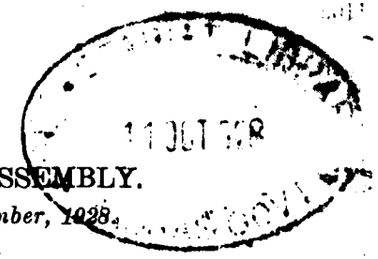
Abdul Matin Chaudhury, Maulvi.
Abdullah Haji Kasim, Khan Bahadur Haji.
Acharya, Mr. M. K.
Aiyangar, Mr. C. Duraiswamy.
Aney, Mr. M. S.
Ayyangar, Mr. K. V. Rangaswami.
Ayyangar, Mr. M. S. Sesha.
Belvi, Mr. D. V.
Bhargava, Pandit Thakur Das.
Bhuto, Mr. W. W. Illahibaksh.
Birla, Mr. Ghanshyam Das.
Chetty, Mr. R. K. Shanmukham.
Chunder, Mr. Nirmal Chunder.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Das, Mr. B.
Dutt, Mr. Amar Nath.
Dutta, Mr. Srish Chandra.
Farookhi, Mr. Abdul Latif Saheb.
Ghazanfar Ali Khan, Raja.
Gour, Sir Hari Singh.
Gulab Singh, Sardar.
Haji, Mr. Sarabhai Nemchand.
Ismail Khan, Mr.
Iswar Saran, Munshi.
Iyengar, Mr. S. Srinivasa.
Jayakar, Mr. M. R.
Jogiah, Mr. Varahagiri Venkata.
Kelkar, Mr. N. C.
Kidwai, Mr. Rafi Ahmad.
Kunzru, Pandit Hirday Nath.
Lahiri Chaudhury, Mr. Dhirendra Kanta.
Lajpat Rai, Lala.
Lalchand Navalrai, Mr.
Malaviya, Pandit Madan Mohan.
Mehta, Mr. Jamnadas M.
Misra, Mr. Dwarka Prasad.
Mitra, Mr. Satyendra Chandra.
Mohammad Ismail Khan, Haji Chaudhury.
Moonje, Dr. B. S.
Mukhtar Singh, Mr.
Munshi, Mr. J. K.
Murtuza Saheb Bahadur, Maulvi Sayyid.
Naidu, Mr. B. P.
Nehru, Pandit Motilal.
Neogy, Mr. K. C.
Pandya, Mr. Vidya Sagar.
Phookun, Srijut Tarun Ram.
Prakasam, Mr. T.
Purshotamdas Thakurdas, Sir.
Rafique, Mr. Muhammad.
Rahimtulla, Mr. Fazal Ibrahim.
Rajan Baksh Shah, Khan Bahadur Makhdum Syed.
Ranga Iyer, Mr. C. S.
Rao, Mr. G. Sarvotham.
Roy, Mr. Bhabendra Chandra.
Sarda, Rai Sahib Harbilas.
Shafee, Maulvi Mohammad.
Shervani, Mr. T. A. K.
Siddiqi, Mr. Abdul Qadir.
Singh, Kumar Ranunjaya.
Singh, Mr. Gaya Prasad.
Singh, Mr. Narayan Prasad.
Singh, Mr. Ram Narayan.
Sinha, Kumar Ganganand.
Sinha, Mr. Rajivaranjan Prasad.
Sinha, Mr. Siddheswar.
Suhrawardy, Dr. A.
Tok Kyi, U.
Yakub, Maulvi Muhammad.
Yusuf Imam, Mr.
Zulfiqar Ali Khan, Nawab Sir.

NOES—46.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Alexander, Mr. William.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Saiyid.
Bajpai, Mr. G. S.
Bharucha, Mr. S. M.
Bower, Mr. E. H. M.
Chalmers, Mr. T. A.
Chatterjee, The Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dalal, Sardar Sir Bomanji.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Hla Tun Pru, U.
Jowahir Singh, Sardar Bahadur Sardar.
King, Mr. C. M.
Lamb, Mr. W. S.
McWatters, The Honourable Mr. A. C.
Mitra, The Honourable Sir Bhupendra Nath.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Raghavayya Pantulu Garu, Diwan Bahadur T.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rau, Mr. H. Shankar.
Rogers, Mr. P. G.
Roy, Mr. S. N.
Sassoon, Sir Victor.
Shamaldhari Lall, Mr.
Shillidy, Mr. J. A.
Simpson, Sir James.
Singh, Rai Bahadur S. N.
Stewart, Mr. J. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.

The motion was adopted.

The Assembly then adjourned till Eleven of the Clock on Friday, the 21st September, 1928.



LEGISLATIVE ASSEMBLY.

Friday, 21st September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

Contract relating to the Supply of Wood Fuel to the Rohilkhand and Kumaon Railway.

770. ***Mr. N. M. Joshi** : With reference to the reply to question No. 103 at page 4405 of the Legislative Assembly Debates, Volume III, will Government kindly lay on the table an extract from the contract relating to the supply of wood fuel to the Rohilkhand and Kumaon Railway Company ?

Mr. A. A. L. Parsons : The relevant clause is clause 9 of the contract of 1882 at page 57 of the reprint of the Rohilkhand and Kumaon Railway contract, a copy of which is available in the Library.

Surplus Locomotives on the North Western Railway.

771. ***Mr. N. M. Joshi** : Is it not a fact that at one of his interviews with the Railway Board in 1924 or 1925, the Agent of the North Western Railway stated that he had on hand a surplus of about 300 locomotive engines ; if so, what is the exact date of the interview and which of the Members of the Board were present at the interview ?

Mr. A. A. L. Parsons : I have not been able to find in the minutes of meetings with the Agent, North-Western Railway, in 1924-25 a record of any such statement.

Treatment of Staff on the different Railways.

772. ***Mr. N. M. Joshi** : Is it not a fact that at a meeting held in March 1923 between the Railway Board and the Agents for different Railways, the Chief Commissioner warned the latter " that care must be taken to treat the staff fairly, giving them leave and such allowance as were permissible and to avoid any appearance of racial discrimination in retrenchment " ?

Mr. A. A. L. Parsons : The Honourable Member appears to be referring to a confidential discussion which took place with Agents of Railways on the date mentioned. I shall be much obliged if he will let me know how he obtained the information on which his question is based.

Number of Petitions received relating to the Hindu Child Marriage Bill.

773. ***Mr. D. V. Belvi** : (*a*) Will Government be pleased to state whether any, and if so, how many, petitions have been received from

each province against the Child Marriage Bill of Rai Sahib Harbilas Sarda ?

(*b*) What is the number of signatories to the petitions from each province ?

(*c*) Will Government be pleased to state whether any, and if so, how many, resolutions passed at public meetings have been received (*i*) for and (*ii*) against the Bill ?

(*d*) Will Government be pleased to state if any petitions have been received, and if so, how many, from each province supporting the Bill ?

(*e*) What is the total number of signatories in each province supporting the Bill ?

Mr. L. Graham : (*a*) In all 1,158 petitions have been received against the Bill. Government do not think that an analysis by provinces would be productive of results worth the labour involved, but if the Honourable Member still desires it, I will have the analysis made and send it to him.

(*b*) The total number of signatories of these petitions is 74,802.

(*c*) Resolutions for the Bill 187 and against the Bill 382.

(*d*) The total number of petitions supporting the Bill is 215. For the reasons stated under (*a*) this analysis has not been made.

(*e*) The total number of signatories of these petitions is 1,962.

Mr. D. V. Belvi : Will Government be pleased to state if they have instructed Provincial Governments to consult the religious heads of the several castes and sub-castes of Hindus and different sects of Muhammadans ?

The Honourable Mr. J. Crerar : When the Bill was circulated to Local Governments they were asked to ascertain the opinions of all those concerned in the manner which is customarily done in respect of Bills dealing with matters of this nature.

Mr. D. V. Belvi : Do Government consider that the question involved in this Bill is of a quasi-religious character ?

The Honourable Mr. J. Crerar : It is well-known that it has been represented in very many quarters that it does impinge on questions of a religious character.

Mr. D. V. Belvi : Do not Government think it necessary to consult the Gurus of the several castes and sub-castes of Hindus on this point ?

The Honourable Mr. J. Crerar : It is highly desirable that the opinion of every interest should be fully consulted and ascertained.

Mr. Lalchand Navalrai : Are there any signatories to the applications or petitions from Sind for or against that Bill ?

Mr. L. Graham : Petitions are received every day. I think I had four yesterday. It is really very difficult to keep track of them, but I should say that certain petitions have been received from Sind, though I would not like to be pinned down to that statement.

PREVENTION OF THE IMPORTATION AND SALE OF ADULTERATED DRUGS, AND CONTROL OF THE SALE OF POISONS.

774. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) Will Government please state the action taken by them on the Resolution relating to drugs passed by the Council of State on 9th March 1927 ?

(*b*) Did Government consult Provincial Governments on the points raised ?

(*c*) If the answer to (*b*) be in the affirmative, will they kindly state what action they propose taking now in the matter ?

(*d*) Do they, in this connection, propose to consider the desirability of early legislation, *i.e.*, introduce a suitable Bill, to prevent the importation and sale of adulterated drugs and to control the sale of poisons ?

(*e*) Do Government propose themselves to take immediate steps against, as also to draw the attention of Provincial Governments to, the alleged sale of adulterated quinine in India on a large scale and to enquire what action they propose taking to check such sales ?

Mr. G. S. Bajpai : (*a*) to (*d*). The Resolution referred to by the Honourable Member and the debate thereon were sent to the Local Governments and Administrations for an expression of opinion and for such action as they considered to be desirable and practicable. The replies received show considerable diversity of opinion on the question whether legislation for the standardisation of the preparation and for the sale of medicinal drugs is feasible or necessary. These replies are now under consideration. The question is complicated by the fact that legislation without the machinery for enforcement would be useless.

(*e*) Government have no evidence in their possession to show that adulterated quinine is sold on a large scale but they propose to ask Local Governments for a considered report on the allegations which have recently been made on this subject in the Press.

(Colonel Gidney rose from a seat in the Central Muslim Party block.)

Mr. President : The Honourable Colonel should have given the Chair notice that he had joined the Central Muslim Party.

Lieut.-Colonel H. A. J. Gidney : Might I explain, Sir, that I have not joined the Central Muslim Party but if the Government had supplied loud speakers as requested by me in this House I should not be here. I cannot hear the Honourable Member from my seat at the other end of the room and I came nearer to hear his replies.

Mr. President : Colonel Gidney.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member inform the House whether Government propose to encourage or to ask Provincial Governments, or themselves move in the matter, (1) to control the sale of poisons ; and (2) whether they are prepared to suggest to Provincial Governments, or themselves move in the matter of drug legislation and standardisation ; and (3) whether they intend to stop at the ports by means of the Sea Customs Act the importation into India of this fradulent quinine ? So far Honourable Member has evaded the question.

Mr. G. S. Bajpai : I will deal with the last part of the Honourable Member's statement first. Far from evading the question I have definitely stated that Government have no information in their possession to

show that there are masses of adulterated quinine being sold in this country but that they propose to make inquiries from Local Governments. As regards the first, second and third suggestions made by the Honourable Member, they do not, as far as I understand, all refer specifically to the question of drug adulteration. They relate to the question of the standardisation of the preparation and to control of the sale of drugs. As I have already told the Honourable Member, we have consulted Local Governments on this point and there is great diversity of opinion as to what is necessary and what is desirable. All that I can say is that the Honourable Member's suggestion will be borne in mind when we are coming to a decision.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member address the Local Governments again and point out to them the necessity and the urgency of controlling this promiscuous sale of poisons throughout the land ?

Mr. G. S. Bajpai : I regret to say, Sir, that as I do not, in the light of the information available to me and to the Government, share the view that there is promiscuous sale of poisons in the country, I am not in a position to give the assurance which the Honourable Member wants.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly find out from responsible authorities, such as the medical authorities ?

Mr. G. S. Bajpai : Well, Sir, if the Honourable Member thinks that the only responsible authority in the country is the Honourable and gallant Member himself, then I confess that I have not got the benefit of the most responsible opinion. But, on the other hand, if my Honourable friend would concede, shall we say, some measure of authority to such officers as the Director General of the Indian Medical Service and the Deputy Director General of the Indian Medical Service, then I submit that we have had competent and considered opinion, and that the information which I have given is based on that considered and competent opinion. As regards the other part of the Honourable Member's question, Sir, or rather suggestion, I have already stated that the Government propose to ask Local Governments for a considered report on the allegations which have recently been made on this subject in the Press.

ARTICLE IN *India* REGARDING THE STATUTORY COMMISSION.

775. ***Mr. Fazal Ibrahim Rahimtulla** : Has the attention of the Government of India been drawn to an article in the magazine, called *India* of July 1928, Volume E, No. 1, bearing the title " Some aspects of the Simon Commission " ?

The Honourable Mr. J. Crerar : The answer is in the negative.

LOAN TO THE LATE NAWAB SIR SALIMULLAH OF DACCA.

776. ***Mr. Satyendra Chandra Mitra** : (*a*) With reference to the question No. 525 by Mr. K. C. Neogy in the Legislative Assembly on August 29, 1927, regarding a loan to the late Nawab Sir Salimullah of Dacca and the answer thereto, will the Government be pleased to state if they have made an enquiry into the rate of interest at which the loan was advanced to the Nawab of Dacca by the Government of India ?

(*b*) If so, what is the rate of interest ? Is it higher or lower than the rate of interest at which the Government borrow money ?

(*c*) If the rate of interest is lower, how do the Government propose to meet the loss of revenue to the Central Government which the said loan involves ?

(*d*) What were the terms and conditions under which the loan was advanced especially in regard to the period during which it was stipulated that the money should be repaid ?

(*e*) Is it a fact that the income of the Nawab's estate has increased since the loan was advanced ?

(*f*) Is it a fact that the enhanced income of the estate is being spent on increasing the allowance to the members of the Nawab's family ?

(*g*) Is it not a fact that the administration of the Nawab's estate has become a costly affair ?

(*h*) What steps do Government intend to take to reduce the cost of administration of the estate ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) 3 per cent. per annum which is lower than Government's borrowing rate.

(*c*) The loss remains at debit of Interest on Ordinary Debt.

(*d*) The scheme of repayment contemplated that the loan should be extinguished in 1952 but as a matter of fact, repayments have proceeded in advance of the programme and it is expected that the loan will be extinguished in 1945.

(*e*), (*f*), (*g*) and (*h*). From enquiries made Government have no reason to be dissatisfied with the progress made in reducing the cost of administration. For the rest Government do not consider it proper that the private affairs of a great family should be discussed on the floor of the House.

TOWN INSPECTORS OF POST OFFICES IN THE UNITED PROVINCES POSTAL CIRCLE.

777. ***Mr. Siddheswar Sinha** : (*a*) Is it a fact that the permanent Town Inspectors of Post Offices attached to the first class head Post Offices in the United Provinces Postal Circle have been transferred from their substantive appointments of Town Inspector to that of a clerk ?

(*b*) If so, have Government received appeals from the officials so reverted and considered those appeals and with what result ?

The Honourable Mr. A. C. McWatters : Sir, with your permission I shall deal together with the Honourable Member's three questions Nos. 777, 778 and 779. As these are all connected with a subject which has been dealt with in a reply given on the 20th instant to unstarred questions by Mr. Anwar-ul-Azim and others, which Honourable Members of the House have not yet had an opportunity of perusing, I ask your permission to read the explanatory portion of that reply ; it runs as follows :

I observe that these are the first of a long series of questions by Members of the House, arising out of the operation of orders issued by

the Government of India in August and September 1927 and of an interpretation of these, issued with the approval of the Government of India, by the Director-General, Posts and Telegraphs, in February 1928. These orders related to the revision of the pay and duties of Town Inspectors attached to first class Head Post Offices. They have resulted, in some cases, in the displacement of some of the officials who, on the date from which the orders originally took effect, namely, the 1st September 1927, were the actual incumbents of the posts named. In other cases the existing incumbents have been retained in their appointments. The orders to which I have referred necessarily left to the heads of administrative Postal Circles the final decision as to the application in individual cases of general principles which had been laid down. The decisions reached have given rise to a number of representations addressed to the Director-General and to the Government of India from different Service Associations and individuals interested. These representations have received the most careful consideration of the Director General whose recommendations are now before me and will receive my close attention together with the various points raised by Honourable Members in these questions.

TOWN INSPECTORS OF POST OFFICES IN THE UNITED PROVINCES AND BENGAL POSTAL CIRCLES.

†778. ***Mr. Siddheswar Sinha** : (*a*) Are Government aware that the Postmasters-General of the United Provinces and the Bengal Postal Circles have changed their orders in respect of the appointments of postal Town Inspectors attached to the first class Head Post Offices in those Circles confirming some and again degrading those officials from the Town Inspectors' appointments ?

(*b*) If so, are Government aware that the aforesaid orders were issued by the aforesaid Postmasters-General without obtaining any report as to their work from the immediate superior officers of the aforesaid postal officials and that no reason was assigned for the respective order of reversion from the line of postal Inspector to the line of clerk ?

(*c*) Do the Government propose to issue any clear orders protecting the interests of the existing incumbents who were holding such appointments on the date of effect of the revision in accordance with the general conditions of service ?

(*d*) If so, when ? If not, why not ?

TOWN INSPECTORS OF POST OFFICES IN THE BENGAL, BOMBAY AND UNITED PROVINCES POSTAL CIRCLES.

†779. ***Mr. Siddheswar Sinha** : (*a*) Is it a fact that the officials who were removed from their substantive appointments of postal Town Inspectorship were not charge-sheeted as required under the rules of the department in respect of the Government officials and their defences duly obtained in respect of the postal Town Inspectors in the Bengal, Bombay and the United Provinces Circles ?

(*b*) If so, why ? What action, if any, has been taken by the Government ?

†For answer to this question, see answer to question No. 777.

DEPARTMENTAL EXAMINATION FOR PROMOTION TO THE LOWEST SELECTION GRADE POST IN THE POST OFFICE.

780. ***Mr. Siddheswar Sinha** : (*a*) Has the attention of the Government been drawn to the latest G. O. of the Director-General, Posts and Telegraphs, relating to the departmental examination for promotion to the lowest selection grade post in the Post Office ?

(*b*) If so, was any report obtained as to the knowledge of the postal officials who attained the age of 40 regarding their knowledge of the Post Office Manual, Volumes 1 and 2, and the Fundamental and the Supplementary Rules (Accountant General's Compilation) before the issue of the aforesaid G. O. exempting them from appearing in the papers relating to those books ?

(*c*) Is it a fact that the knowledge of the officials of 40 years of age will not be tested in respect of the rules laid down in the aforesaid books ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) No.

(*c*) Yes, but only in the first examination held under the new rules.

INTRODUCTION OF THE EXAMINATION FOR THE LOWEST SELECTION GRADE POSTS IN THE POST OFFICE.

781. ***Mr. Siddheswar Sinha** : (*a*) Is it a fact that the examination for the lowest selection grade posts is introduced for the first time in the Post Office ?

(*b*) Do the Government propose to abolish the examination for the lowest selection grade posts in the Post Office ?

(*c*) If so, when may orders be expected on the subject ?

(*d*) Is it a fact that the adoption of the same system of examination for all the candidates for examination for promotion to the lowest selection grade is under the consideration of the Government of India ?

(*e*) If so, when will the orders issue ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) No.

(*c*) Does not arise.

(*d*) If the Honourable Member refers to the Post and Telegraph Department as a whole, the reply is in the affirmative.

(*e*) Orders have already issued prescribing such an examination in the Engineering Branch, while as regards the Traffic Branch the matter is still under consideration.

RECOGNITION BY THE AGENT OF THE EAST INDIAN RAILWAY UNION.

782. ***Mr. Varahagiri Venkata Jogiah** : Are the Government aware that the East Indian Railway Union was registered under the Trade Unions Act in March 1928, but that it has not been recognised by the Agent of the Railway up till now ? If so, do Government propose to instruct the Agent to recognise the Union officially and give it all facilities for representation of the grievances of the workers ?

Mr. A. A. L. Parsons : If the Honourable Member will let me know to which particular union on the East Indian Railway he is referring I will see if I can obtain the information for him.

ISSUE OF PASSES TO THE OFFICERS AND WORKERS OF THE EAST INDIAN RAILWAY UNION.

783. ***Mr. Varahagiri Venkata Jogiah** : In view of the announcement of Earl Winterton that the Government of India welcome the formation of Trade Unions on constitutional lines, do Government propose to instruct the Agent of the East Indian Railway to issue passes to the officers and workers of the Union for organising the Union thoroughly according to the Trade Unions Act ?

Mr. A. A. L. Parsons : Government consider that officers and workers of trade unions should be allowed to utilise passes, to which they are entitled as railway employees, for the purpose of attending to the business of their unions, and have so instructed the Agents of State-managed Railways. They do not consider that railway authorities should give indirect financial assistance to the unions by the grant of extra passes to railway employees or by the grant of passes to persons who are not in railway service.

Mr. N. M. Joshi : May I ask whether the Government will issue similar instructions to the Company-managed Railways also in the matter?

Mr. A. A. L. Parsons : Will the Honourable Member repeat his question ?

Mr. N. M. Joshi : May I ask whether Government will be prepared to issue similar instructions to the Company-managed Railways ?

Mr. A. A. L. Parsons : It is not a matter on which we can issue instructions to Company-managed Railways, Sir, but they are already aware of the views of Government.

ENGAGEMENT OF A CONTRACTOR TO PAY THE SALARIES TO THE STAFF EMPLOYED ON THE EAST INDIAN RAILWAY.

784. ***Mr. Varahagiri Venkata Jogiah** : (*a*) Is it a fact that the East Indian Railway authorities are contemplating to abolish the Pay Department of the East Indian Railway and to engage a contractor for payment of salaries to the staff all over the line ? If so, will Government please state reasons for the proposed arrangement ?

(*b*) Is it a fact that on the Oudh and Rohilkhand Railway the contract system was abolished and the work was undertaken by the department for efficiency and with a view to remove the irregularities in payment by contractors, and that there was a saving of Rs. 16,000 last year ? If so, will the Government be pleased to state why the East Indian Railway authorities want to re-introduce the contract system ?

(*c*) Will Government be pleased to state how the staff of the Pay Department will be provided for if the Pay Department is abolished ?

Mr. A. A. L. Parsons : (*a*) The question is at present under consideration and it is proposed to call for tenders. If the contract system is found on the whole cheaper, it will be adopted.

(*b*) After the Oudh and Rohilkhand Railway was amalgamated with the East Indian Railway the system of departmental working that obtained on the latter was introduced on the former. It is understood that this resulted in a saving of cost.

(*c*) The question will be carefully considered if it is decided to abolish the Pay Department. A good portion of the staff would no doubt continue to be employed on their present duties under any person or firm to whom the contract might be given.

Mr. President : Order, order. The rule of the House is that the Honourable Member must rise from his seat and put the question.

EJECTMENT FROM THEIR QUARTERS OF THE WORKERS OF THE ONDAL WORKSHOP, EAST INDIAN RAILWAY.

785. ***Mr. Varahagiri Venkata Jogiah** : (*a*) Are Government aware that the Agent served the workers of Ondal Workshop who struck work in sympathy with the workmen of Lillooah with a notice to vacate their quarters within twenty-four hours ? Are Government aware that owners of dwelling houses are required to serve their tenants at least with a month's notice to vacate their houses, and no tenant can be ejected by force by the executive officers without the sanction of the civil court ? Will Government please state what action they propose to take against the Agent for issuing such illegal notices ?

(*b*) Are Government aware that twenty-four hours after the Ondal workers had been served with a notice to vacate the quarters, the District Magistrate of Burdwan came to Ondal in a special train with the police officers of Asansol and about one hundred armed police, and forcibly broke the padlocks attached to the doors of the quarters in the absence of most of the occupants and threw away all their properties on the street during heavy rains with the result that all their properties were drenched and spoiled ? Are Government aware that in some cases the workmen were forcibly turned out of their quarters with their wives and children during heavy rains at night ? If the Government have no information, will they be pleased to enquire into these matters and take necessary action against the Magistrate for his illegal actions ?

(*c*) Will Government be pleased to state under whose instructions the Magistrate came to Ondal to compel the workers to vacate their quarters with the aid of the armed police ?

(*d*) Will Government please state who paid the expenses in connection with the running of the special train for taking the Magistrate and the police from Asansol to Ondal and back ?

Mr. A. A. L. Parsons : (*a*) Three days' notice, and not 24 hours as stated in the Honourable Member's question, was given to the strikers to resume duty and of the fact that, if they did not do so, they will be made to vacate their quarters. The action of the Agent is in accordance with section 138 of the Indian Railways Act, and it was not illegal.

(*b*), (*c*) and (*d*). Government have not received any information which suggests that there is any truth in the allegations made by the Honourable Member.

Mr. Varahagiri Venkata Jogiah : Will Government be pleased to enquire whether the statements made in parts (*b*), (*c*) and (*d*) of the question are correct ?

Mr. A. A. L. Parsons : If the Honourable Member will put me in possession of information justifying the allegations, which no doubt he himself possessed before putting the question, I shall be prepared to make enquiries.

Mr. N. M. Joshi : May I ask, Sir, whether the Government of India have consulted their legal adviser as to the legality of the Railway Act being applied to the workers in workshops as regards the vacation of their quarters ?

Mr. A. A. L. Parsons : So far as I am aware, Sir, the Agent of the East Indian Railway made no enquiries, but the terms of that section of the Act are perfectly clear.

Mr. N. M. Joshi : What is the justification for applying the Railway Act to the workers in the railway workshops ?

Mr. A. A. L. Parsons : It is, Sir, the law of the land ; and it is particularly for this type of case that that particular provision in the Act was enacted.

Mr. N. M. Joshi : May I ask whether Government cannot state what the justification for that law is ?

Mr. A. A. L. Parsons : Certainly not, Sir, in the course of question and answer on the floor of this House.

ALLEGED HARASSMENT BY THE DISTRICT MAGISTRATE OF BURDWAN AND THE POLICE OF THE STRIKERS AT ASANSOL, EAST INDIAN RAILWAY.

786. ***Mr. Varahagiri Venkata Jogiah** : (*a*) Are the Government aware that when the workers of Asansol struck work and commenced peaceful picketing, the District Magistrate of Burdwan accompanied by the officials of the Railway stopped the picketing by force ? If not, will the Government be pleased to enquire and give an answer to this query ?

(*b*) Is it a fact that a worker was assaulted by a railway official during the picketing in the presence of the Magistrate, and that although the matter was brought to his notice he took no action ? If Government are not aware of this, will they find out and give an answer ?

(*c*) Are the Government aware that at dead of night the railway officials at Asansol accompanied by the District Magistrate of Burdwan and the police used to visit the *bustee* every night during the early stage of the strike and tried to force the strikers to return to work against their consent ?

(*d*) Will Government please state what action they propose to take against the Magistrate for his attempt to break the strike at Asansol with the aid of the railway officials by force ?

(*e*) Is it a fact that a telegram was sent by the General Secretary of the East Indian Railway Union to His Excellency the Governor of Bengal protesting against the highhandedness of the Magistrate and the police ? If so, will Government be pleased to state what action was taken by the Government of Bengal to stop the harassment of the strikers by the police and the magistrate ?

(*f*) Is it a fact that in spite of the assurance of the Agent that there would be no victimisation after the settlement of the strike a large number of workers at Lillooah, Howrah, Asansol and Ondal have not been allowed to resume duties by the subordinate officers ? If so, do Government propose to instruct the Agent to see that all workers are allowed to return to work at every station without further delay ?

Mr. A. A. L. Parsons : (*a*) to (*e*). Government have no information, but enquiries will be made.

(*f*) No. The Agent has agreed to re-engage men dismissed at Asansol and Ondal as vacancies occur, and nearly 400 out of about 650 have already been so re-engaged.

DISMISSAL OF 54 WORKMEN EMPLOYED IN THE WORKSHOPS AT LILLOOAH, EAST INDIAN RAILWAY.

787. ***Mr. Varahagiri Venkata Jogiah** : Is it a fact that 54 workmen at Lillooah have been dismissed from service on the report of a Foreman that they took a leading part in a disturbance in the workshop ? Is it a fact that one of these men was subsequently found to be absent from duty on the day of the occurrence but that an attempt was made to mark him present on that day ? Are Government aware that these men were disliked by the workshop officials because they gave evidence in a bribery case against some officers ? Do Government propose to instruct the Agent to cancel the dismissal of these men so that there may not be any cause for unrest in the workshops ?

Mr. A. A. L. Parsons : 54 workmen, who were mainly responsible for the disturbance in the workshops which led to the closing of the shops on the 31st July 1928, were dismissed after the Deputy Chief Mechanical Engineer had personally satisfied himself that they were so responsible, and not on the report of a Foreman. Government have received no report that any of these men were found absent from duty, and the reason for their dismissal is that which I have given, and not that suggested in the Honourable Member's question.

LOSS SUSTAINED BY THE EAST INDIAN RAILWAY ON ACCOUNT OF THE LOCK-OUT AT LILLOOAH, ETC.

788. ***Mr. Varahagiri Venkata Jogiah** : Will Government please state the amount of loss sustained by the railway authorities on account of the lock-out at Lillooah, and strikes at Howrah, Ondal and Asansol for (1) suspension of work and (2) payment of wages to temporary hands engaged during the strike ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply which I have already given to Mr. Joshi's question No. 270 on the 4th September 1928. I have no reason to believe that any appreciable loss was sustained.

PAY OF "A" CLASS TICKET COLLECTORS ON THE EAST INDIAN RAILWAY.

789. ***Mr. Varahagiri Venkata Jogiah** : Is it a fact that under Resolutions 412-13 of the official meeting of the East Indian Railway in 1926-27, the scale of pay of "A" class Ticket Collectors was raised from Rs. 90 to Rs. 120 ? If so, will Government please state if the pay of these Ticket Collectors in all the divisions of the Railway has been raised accordingly ?

If not, do Government propose to instruct the Agent to take necessary action at an early date ?

Mr. A. A. L. Parsons : We have no information, but I will make enquiries and let the Honourable Member know what the position is.

REDUCTION OF A TICKET COLLECTOR EMPLOYED AT PATNA JUNCTION, EAST INDIAN RAILWAY.

790. ***Mr. Varahagiri Venkata Jogiah** : (*a*) Has the attention of the Government been drawn to the editorial note published in the *Mazdoor* dated the 29th February 1928, regarding the punishment inflicted on a ticket collector at Patna Junction who detected that a responsible railway employee was travelling without tickets ? If so, will Government please state what action has been taken to realise the tax-payer's money due from the said railway employee ?

(*b*) Is it a fact that under the existing rules of the East Indian Railway the ticket collectors are not authorised to hand over railway employees to the police for travelling without tickets, but they are required to report the matter to the higher auhorities for departmental action ? Are Government aware that in this case the ticket collector of Patna Junction duly reported the matter to the Divisional Superintendent, but it was dealt with by the Staff Superintendent who had no concern with this commercial case and, with a view to condone the said railway employee who worked directly under the Staff Superintendent, the ticket collector was reduced in pay ?

(*c*) Are the Government aware that the East Indian Railway Union represented the matter to the Divisional Superintendent as well as to the Agent through their own official organ *Mazdoor* as well as by letters fully explaining the impropriety of the punishment inflicted on a dutiful worker but no reply was given to the Union ? If the answer be in the affirmative, do Government propose to instruct the Agent to cancel the punishment wrongly inflicted on a man who did his duty as a loyal servant of the Railway ? If the Government are not aware of this, do they propose to enquire and accord justice to the ticket collector ?

Mr. A. A. L. Parsons : (*a*) Government have not seen the note mentioned.

(*b*) and (*c*). Government have no knowledge of the facts and have no reason to believe that the Agent, to whom it appears the matter was referred, has not been able to deal with the matter adequately.

ALLEGATIONS AGAINST MR. ABSELL, A JUNIOR OFFICER IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

791. ***Mr. Varahagiri Venkata Jogiah** : (*a*) Is it a fact that one Mr. Absell, a temporary junior officer in the Dinapur Division, punishes the staff with heavy fines for trifling mistakes ? If so, will Government please lay on the table a statement showing the amount of fines inflicted on the workers by this temporary officer during the year 1927-28 ? If the Government have no information, do they propose to find it out and give the information required ?

(*b*) Is it a fact that this junior officer has made very bad remarks on the personal files of the workers for trifling mistakes ? Is it also a fact that the treatment by this temporary officer of the office staff is ungentlemanly ?

(*c*) Is it a fact that in connection with the derailment at Pandarak Station this officer was sent by the Transportation Superintendent of Dinapur to make necessary arrangements, but he did not proceed to the place of accident ? Was the Punjab Mail detained at the station for about 12 hours ? Was it due to the fact that the officer did not proceed to the place of accident as directed by the Transportation Superintendent at Dinapur ? If so, will Government please state what action they propose to take against this officer for such neglect of duty which caused considerable inconvenience to the passengers of the Punjab Mail ?

Mr. A. A. L. Parsons : Government have no information, and regret that they are not prepared to make enquiries in the matter with which the Agent is competent to deal. They will, however, send a copy of the Honourable Member's question to the Agent for his information.

PROMOTION OF INDIAN WORKERS WHO HAVE PASSED EXAMINATIONS FROM THE TRAINING SCHOOL AT CHANDAUSI.

792. ***Mr. Varahagiri Venkata Jogiah** : Will Government please state if all the Indian workers who passed examinations from the Chandausi Training School have been appointed to suitable posts in the higher grade ? If not, do Government propose to take steps for the appointment of these qualified men to higher posts at an early date ?

Mr. A. A. L. Parsons : There is, I think, a misapprehension as to the purposes of the Chandausi Training School. The completion of a course at this school and the passing of an examination at the close of the course gives no employee any claim to promotion to a higher post though he may be required to go through the course before becoming eligible for promotion. I am glad of the opportunity which the Honourable Member's question has afforded me of removing this misapprehension if it exists.

NUMBER OF INDIAN TRANSPORTATION INSPECTORS, COMMERCIAL INSPECTORS, ETC., ON THE EAST INDIAN RAILWAY.

793. ***Mr. Varahagiri Venkata Jogiah** : Will Government please state the number of Indian Transportation Inspectors, Commercial Inspectors, Goods Inspectors, Audit Inspectors, P.-W. Inspectors, and Running Shed Foremen on the East Indian Railway ?

Mr. A. A. L. Parsons : Government regret that for reasons which have previously been explained, they are not prepared to give the figures of communal representation in individual offices or branches of railway service.

Mr. Varahagiri Venkata Jogiah : May I ask whether the figures are not given in every other Department ?

Mr. A. A. L. Parsons : That is hardly a question that I can answer. But the reason why in the Railway Department we do not consider it desirable to give figures other than those we publish in our annual report

have been made clear to the House. The position is that in our Depart ment we do give a large number of figures of communal representatio in the Administration Report.

Pandit Hirday Nath Kunzru : How does the Honourable Membe treat this as a question asking for communal representation in the variou services ?

Mr. A. A. L. Parsons : I understood that the Honourable Membe wished to know the number of Transportation Inspectors who wer Indians rather than Europeans and Anglo-Indians. If I am incorrect, shall be glad to supply the Honourable Member with the information h does want.

Mr. Lalchand Navalrai : Is it because there is a certain amount o communal monopoly in all these services ?

Mr. A. A. L. Parsons : No, Sir, I have already given the reason.

Mr. Lalchand Navalrai : Is it a fact that Anglo-Indians have mos of the posts ?

Mr. A. A. L. Parsons : Without calling for figures, which I have no done, I cannot say definitely whether this is a fact.

Mr. Gaya Prasad Singh : May I know why Government decline t give the figures ?

Mr. A. A. L. Parsons : I have explained that very often to the House and I do not think it necessary to make an explanation again. It i not desirable in the interests of the work of these branches.

Pandit Hirday Nath Kunzru : May I remind the Honourable Membe that every other Department answers questions of a similar nature ?

Mr. A. A. L. Parsons : There are few if any other departments whic deal with so large a number of employees, and we have to be carefu that we do not create communal feeling among our employees by givin information of this kind in public. We have done our best to meet th wishes of the House by giving statistics in the form we do in the Adminis tration Report, and this we did after taking the advice of the Centra Advisory Council as to the details it was desirable to give.

Mr. Gaya Prasad Singh : Are not Indian tax-payers entitled to kno how many of their countrymen are employed on the Railways ?

Mr. A. A. L. Parsons : No, Sir, not if it is not in the interests of th tax-payers.

Pandit Hirday Nath Kunzru : Does the Honourable Member declin to give information, because there is much more racial discrimination i Railways than in other Departments ?

Mr. A. A. L. Parsons : No, Sir.

PROMOTION TO THE HIGHER GRADES OF INDIAN STATION MASTERS.

794. ***Mr. Varahagiri Venkata Jogiah** : Will Government be pleased t state if any Indian station master has been promoted to the higher grade i connection with the arrangements made for the appointment of the statio master of Patna Junction due to the untimely death of the permanen

station master at the station ? If not, will Government please state reasons ?

Mr. A. A. L. Parsons : Government have no information. The promotions of station masters rest with the local railway authorities and Government are not prepared to interfere in the matter.

STATION MASTER OF PATNA JUNCTION, EAST INDIAN RAILWAY.

795. ***Mr. Varahagiri Venkata Jogiah** : Is it a fact that the man who has been selected for the post of station master at Patna Junction was removed from the station a few months ago for unsatisfactory working and was transferred to Mokameh where the merchants protested against his appointment ?

Mr. A. A. L. Parsons : Government have no information. This is a matter which the Agent is fully competent to deal with.

CASE OF MR. NONITOSH MUKHERJI, LATE A RELIEVING STATION MASTER OF THE HOWRAH DIVISION, EAST INDIAN RAILWAY.

796. ***Mr. Varahagiri Venkata Jogiah** : Is it a fact that the pay of one Mr. Nonitosh Mukherji, a relieving station master of the Howrah Division, was reduced from Rs. 55 to Rs. 51 on the report of a Transportation Inspector for alleged insubordinate behaviour without any enquiry ? Is it a fact that on appeal against such wrongful reduction of pay the Divisional Superintendent of Howrah held that Mukherji had been very leniently dealt with and that the orders passed should stand ? Is it a fact that shortly after the man was transferred to another station for the same alleged offence, but when he appealed against this double punishment and prayed for an enquiry, he was called by the Divisional Superintendent of Howrah and discharged from service ? Is it a fact that the East Indian Railway Union represented this case to the Agent but the latter did not give any reply ? If so, will Government please state why no enquiry was held about the alleged insubordinate behaviour of the man to another subordinate employee, and why no opportunity was given to him to submit his explanation ? In view of the severity of the punishment inflicted on the man, do Government propose to make an enquiry and reinstate the man ?

Mr. A. A. L. Parsons : Government have no information, and are not prepared to interfere in a matter with which the Agent is competent to deal as the final authority, and to which his attention has apparently already been drawn.

Mr. Gaya Prasad Singh : May I know why this dense ignorance on the part of the Government of matters which relate to public interests ?

Mr. President : Order, order.

Mr. Ram Narayan Singh : Before I put my question, Sir, I wish to bring to your notice that some important portions of this question have been omitted without any intimation to me. I do not know, Sir, whether these portions have been disallowed by the President or omitted by some friend of Mr. Courtney Terrell in the office.

Mr. President (after calling upon Secretary) : Some parts have been disallowed, but intimation was not given to the Honourable Member. Do you wish to put your question ?

Mr. Ram Narayan Singh : I put my question, Sir, but I trust that the office will be taken to task for this. No. 797.

REMARKS MADE BY MR. JUSTICE COURTNEY TERRELL, CHIEF JUSTICE OF THE PATNA HIGH COURT, AGAINST BABU JAGAT NARAYAN LALL, M.A., LL.B., M.L.C.

797. ***Mr. Ram Narayan Singh** : (*a*) Has the attention of the Government been drawn to the following remarks made by Mr. Courtney Terrell, Chief Justice of the Patna High Court, against Babu Jagat Narayan Lall, M.A., LL.B., M.L.C., in his judgment in the case against the said Bihar leader under section 124-A I. P. C. and reproduced by the *Searchlight* of Patna on Friday, the 27th July 1928 :

(*i*) " The subject of the charge is a silly little article in an insignificant little paper written by a silly noisy little man
* * * * "

(*ii*) " It is, in short, a biological product and is not the result of political conditions. "

(*iii*) " .....and I have no doubt myself from the tone of the article that that was the intention of this foolish writer. "

(*b*) Are Government aware of the facts that strong and voluminous waves of public resentment and indignation at the above remarks of Mr. Courtney Terrell have been passing throughout the length and breadth of this country ?

The Honourable Mr. J. Crerar : I have nothing to add to the replies which I gave to Mr. Gaya Prasad Singh's question on the 8th instant and the supplementary questions.

Mr. Amar Nath Dutt : May I know how long this silly little Judge has been on the Bench ?

Mr. President : Order, order. The Honourable Member is not entitled to use such language in this Chamber.

Mr. Ram Narayan Singh : May I know if the Government are prepared to provide us with any remedy against the tyranny of High Court Judges.

The Honourable Mr. J. Crerar : The Government of India cannot, as I have already explained, interfere with or condemn a Judge of the High Court in the discharge of his official duties.

Mr. Ram Narayan Singh : May I take it, Sir, that the people have got absolutely no remedy whatsoever against the tyranny of High Court Judges ?

Mr. Amar Nath Dutt : Will the Honourable Member kindly inform me whether Mr. Justice Terrell had anything to do with the legal profession before he was appointed Chief Justice ?

Mr. B. Das : May I enquire if the Honourable Member is in agreement with these dialectical writings of Chief Justice Mr. Terrell and if he holds them as beautiful, charming and classical samples of English language and as models for other High Court Judges ?

†798* to 800*.

ABOLITION OF SUPERIOR POSTS CONSEQUENT ON RETRENCHMENTS IN THE WORKSHOPS ON THE BENGAL NAGPUR RAILWAY, THE EAST INDIAN RAILWAY, ETC.

801. ***Rao Bahadur M. C. Rajah** : Will the Government be pleased to state whether and, if so, how many, higher posts have been abolished consequent on the retretchment of the men in the workshops on the Bengal Nagpur Railway, East Indian Railway, Great Indian Peninsular Railway and South Indian Railway ?

Mr. A. A. L. Parsons : No superior posts have been abolished.

GRANT OF TECHNICAL PAY TO INDIAN OFFICERS OF THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

802. ***Rao Bahadur M. C. Rajah** : (*a*) Is it a fact that the Home Board of the Madras and Southern Mahratta Railway directed the grant of the technical pay of Rs. 75 to all Indian officers irrespective of European training ?

(*b*) Is it a fact that this technical pay has not been given to the Indian officers for the last three years ?

(*c*) If the answer to the above is in the affirmative, do Government propose to direct the Agent to award the same with retrospective effect ?

Mr. A. A. L. Parsons : I am making enquiries from the Agent of the Madras and Southern Mahratta Railway and will let the Honourable Member know the result.

ACCIDENT AT CHETPET ON THE SOUTH INDIAN RAILWAY.

803. ***Rao Bahadur M. C. Rajah** : Was the Chetpet accident which took place on the South Indian Railway in 1927 found to be the result of the wrong locking of points ? If so, will the Government be pleased to state if any compensation has been paid to the injured persons in that accident ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative ; to the second that so far as Government is aware, no compensation has been paid ; in fact, the Senior Government Inspector of Railways reported that only one passenger was slightly injured, and he absconded because he was travelling without a ticket.

ASSOCIATION OF THE PUBLIC WITH ENQUIRIES INTO RAILWAY DISASTERS.

804. ***Rao Bahadur M. C. Rajah** : (*a*) In view of the frequency of railway disasters in this country, will the Government be pleased to state if they propose to revise the rules as to enquiries into such disasters so as to provide for the association of the public in such enquiries ?

†For these questions, see at the end of the list of starred questions for the day.

(*b*) Are Government aware that the departmental enquiries are very unsatisfactory and do not satisfy the public, and that an open magisterial enquiry or an enquiry by a Committee in which the public will be represented with power to make recommendations for the prevention of such accidents in future, is what is urgently required in cases of serious disasters ?

Mr. A. A. L. Parsons : (*a*) and (*b*). I would invite the attention of the Honourable Member to the reply given by the Honourable the Railway Member to Mr. Ghuznavi's question No. 488 on the 11th of September.

REJECTION BY THE GOVERNMENT OF INDIA OF CERTAIN PROPOSALS MADE BY THE AUDITOR GENERAL.

805. ***Mr. Ghanshyam Das Birla** : (*i*) Is it a fact that

(*a*) some of the proposals of the Auditor General have recently been rejected by the Government of India :

(*b*) that the Auditor General holds such rejection is bound to hamper the efficiency of audit : and

(*c*) that he has raised the issue in his letter to the Finance Department asking them to forward to the Secretary of State the Appropriation Accounts for the year 1926-27 with the reports of the Audit Officers thereon ?

(*ii*) Will the Government be pleased to lay on the table a copy of the representation, if any, made by the Auditor General to the Secretary of State for India in this connection ?

The Honourable Sir Bhupendra Nath Mitra : (*i*) The reply is in the affirmative.

(*ii*) The letter is a very voluminous document which it would not be convenient to lay on the table of the House. Moreover, it would hardly be appropriate to do so, as the particular matter included in the letter, to which reference has been made by the Honourable Member, is under discussion between the Government of India and the Secretary of State. The letter has been seen by members of the Public Accounts Committee and if the Honourable Member also wishes to see it I will ask the Financial Secretary to show it to him.

MEMBERSHIP OF THE BENGAL CHAMBER OF COMMERCE OF THE EAST INDIAN RAILWAY, THE EASTERN BENGAL RAILWAY AND THE CALCUTTA PORT TRUST.

806. ***Mr. Ghanshyam Das Birla** : (*a*) Is it a fact that the East Indian Railway, the Eastern Bengal Railway and the Calcutta Port Trust are members of the Bengal Chamber of Commerce ?

(*b*) If the answer be in the affirmative, will the Government be pleased to state if they see nothing wrong or improper in State Departments or concerns being members of a Chamber of private commercial interests ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) So far as the East Indian and Eastern Bengal Railways are concerned, the Honourable Member is referred to the reply given to

Mr. Neogy's question No. 508 in this House on the 12th September 1928. I would point out that the Calcutta Port Commissioners are not a State Department or concern but the question of their being a member of the Bengal Chamber of Commerce is under examination.

TAMPERING WITH THE TRAIN OF THE GOVERNOR OF MADRAS DURING HIS EXCELLENCY'S TOUR IN THE BELLARY DISTRICT.

807. ***Mr. Ghanshyam Das Birla** : (*a*) Has the attention of the Government of India in the Publicity Department been drawn to the prominence given under the headline "Lord and Lady Goschen's train fired" in the London *Daily Mail* on or about July 24th, 1928, to the following statement cabled by its Madras Correspondent :

> "A train conveying the Governor of Madras, Lord Goschen, Lady Goschen, and Government House Officials, while touring the Bellary District, last week, caught fire owing to the automatic greasing of the wheels failing. Officers consider that the system had been tampered with" ?

(*b*) Was a similar statement made in the Indian Press at the time and were the facts as alleged in the cable to the *Daily Mail* ?

(*c*) If the statement was unfounded, did the Director of Public Information take steps to have its contradiction published in the English papers and, if so, what ?

The Honourable Mr. J. Crerar : (*a*) The report had not previously come to the notice of Government.

(*b*) Government have seen no similar statement in the Indian Press.

(*c*) No.

CESS PAID TO THE HAZARIBAGH DISTRICT BOARD BY RAILWAY COLLIERIES SITUATED IN THAT DISTRICT.

808. ***Mr. Ram Narayan Singh** : Will the Government be pleased to state the following :

(*a*) The number and the names of all the Government railway collieries (coal mines) lying in the whole of the Hazaribagh District (Central India coal fields) :

(*b*) The amount of coal raised every year separately from each coal mine and for the past 10 years :

(*c*) The total amount of cess paid each year to the Hazaribagh District Board by these collieries for the past 10 years : and

(*d*) Reasons, if any, for any variation in the amount of cess thus paid ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The Honourable Member will find the information he requires in Volume II of the Reports by the Railway Board on Indian Railways.

(*c*) and (*d*). The Railway Board have no information but are seeing if they can obtain it for the Honourable Member.

METHOD OF CALCULATING THE NET PROFITS ON COAL RAISED IN GOVERNMENT COLLIERIES.

809. ***Mr. Ram Narayan Singh** : Is it not a fact that the whole amount of coal raised from these Government collieries is consumed by the Government Railways ? If so, what is the method, or procedure of calculating the net profit in this coal raising business and by whom is this calculation done ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the affirmative. The accounts are kept by the Auditor of Railway Colleries. I am affraid it is impossible for me to explain in detail on the floor of this House, the present method of calculating the profit, but I will explain it to the Honourable Member, if he will call at my office.

HALT OF THE BOMBAY MAIL AT KODARMA ON THE EAST INDIAN RAILWAY.

810. ***Mr. Ram Narayan Singh** : Are the Government aware of the fact that railway passengers from and to the Kodarma Station (East Indian Railway) have been greatly inconvenienced owing to a recent order preventing the Bombay mail from stopping at Kodarma and, if so, do they proposed to direct the authority concerned immediately to arrange the railway time-table so as to allow the said mail train to stop at Kodarma too ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the reply given to his starred question No. 555 on the 29th of August 1927. As was then promised, the matter was referred to the Agent of the Railway, and it was decided that it was not desirable to stop the Bombay Mail at this particular station. From a perusal of the time-table it appears that the town is well served for journeys to and from Calcutta by the Dehra Dun and Agra Expresses.

CONSTRUCTION OF RAILWAY LINES FROM BARKAKHANA TO RANCHI, BARKAKHANA TO DALTONGANJ AND HAZARIBAGH ROAD STATION TO HAZARIBAGH TOWN.

811. ***Mr. Ram Narayan Singh** : Will the Government be pleased to state the progress made with regard to their proposals to construct the following railway lines :

(*a*) Barkakhana to Ranchi ;

(*b*) Barkakhana to Daltonganj ;

(*c*) Hazaribagh Road station, to Hazaribagh Town ?

Mr. A. A. L. Parsons : (*a*) The project from Barkakhana to Ranchi has been abandoned as unremunerative.

(*b*) 9|10ths of the line from Barkakhana to Daltonganj has now been completed and the probable date of opening is the 31st of December next.

(*c*) A traffic survey of the Hazaribagh Road station to Hazaribagh town has recently been sanctioned.

REVISION OF THE PAY OF TOWN INSPECTORS OF FIRST CLASS HEAD POST OFFICES IN INDIA.

812. ***Maulvi Sayyid Murtuza Saheb Bahadur** : Will the Government be pleased to say whether the Government Orders 11 P. T. E., dated the 5th August 1927, relate to,—

(*a*) the revision of the pay of the 85 Town Inspectors attached to the first class Head Post Offices in India,

or (*b*) the extra sanction of the 85 selection grade posts in the general line for clerks,

or (*c*) the additional sanction of 85 posts in the line of sub-divisional inspectors and the Superintendents' head clerks ?

The Honourable Mr. A. C. McWatters : The Honourable Member is referred to the answer given by me just now to questions Nos. 777 to 779 asked by Mr. Siddheswar Sinha.

UTILISATION BY GOVERNMENT OF THE SERVICES OF MR. RICE, FORMERLY OF THE *Pioneer*.

813. ***Mr. B. Das** : (*a*) Do Government utilise the services of Mr. Rice, formerly of the *Pioneer* and now the Editor of the *Fauji Akhbar*, in any capacity and, if so, what ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state the salary he draws for the services rendered by him ?

Mr. G. M. Young : (*a*) The gentleman referred to is not the Editor of the *Fauji Akhbar*, as stated by the Honourable Member, and there has never been any intention of appointing him to the post, which is always held by a military officer. Nor are his services utilised by Government in any other capacity.

(*b*) Does not arise.

PUBLICATION OF THE REPORT OF THE ROADS DEVELOPMENT COMMITTEE.

814. ***Mr. B. Das** : (*a*) Will Government be pleased to state when they intend to publish the Report of the Roads Development Committee ?

(*b*) What are the reasons that have caused delay in the publication of this Report ?

The Honourable Sir George Rainy : The Report has not yet been received by the Government of India.

(1) RECRUITMENT BY THE PUBLIC SERVICE COMMISSION FOR THE SERVICES OF PORT TRUSTS.

(2) INDIANISATION OF THE SERVICES OF PORT TRUSTS.

815. ***Mr. B. Das** : (*a*) Will Government be pleased to state if they intend to bring in the recruitment of superior and inferior staff of the different Port Trusts in India by a system of examination under the Public Service Commission ?

(*b*) Is it not a fact that European officers in the Port Trusts are allowed Lee concessions ?

(*c*) If the answer to (*b*) be in the affirmative, will Government be pleased to state if these Port Trusts have agreed to accept the principle of Indianisation in the higher services ?

(*d*) If the reply to (*c*) be in the affirmative, will Government be pleased to state the percentage of Indianisation in the higher services that these Port Trusts have agreed to ?

The Honourable Sir George Rainy : (*a*) No. Under the various Port Acts the Boards of Trustees have statutory powers to appoint their own staff.

(*b*) The recommendations of the Royal Commission on the Superior Civil Services in India did not extend to Port Trust Services, but Port Trusts have granted free passage concessions to their European servants, and the Rangoon Port Commissioners have granted overseas pay also.

(*c*) They have stated that they are in sympathy with the policy of Indianising the higher grades of their services.

(*d*) No percentage has been agreed to.

RECRUITMENT THROUGH THE PUBLIC SERVICE COMMISSION OF THE CLERICAL STAFF OF THE RAILWAY BOARD.

816. ***Mr. B. Das :** (*a*) Will Government be pleased to state if it is not a fact that the recruitment to the Secretariat staff of the Railway Board is at present done by the Secretary of the Railway Board ?

(*b*) Is it not a fact that recruitment to subordinate and superior staff of all other Departments of the Secretariat is at present done by the Public Service Commission ?

(*c*) Is it not also a fact that all the subordinate staff of the Army Secretariat is at present recruited through the Public Service Commission ?

(*d*) Will Government be pleased to state what are the reasons that have delayed so far the transfer of recruitment of the Secretariat staff of the Railway Board to the Public Service Commission ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) Recruitment to the subordinate staff of Secretariat Departments other than the Railway Department is with certain exceptions made through the Public Service Commission but not recruitment to the superior staff.

(*c*) Recruitment for all the subordinate staff employed in normal secretariat grades is made through the Public Service Commission.

(*d*) Owing to the specialised and technical nature of the clerical work in their office, the Railway Board have been authorised to recruit their clerks from railways and other suitable sources.

PERMANENT RETENTION IN CIVIL EMPLOY OF I. M. S. OFFICERS TRANSFERRED TEMPORARILY FROM THE MILITARY TO THE CIVIL SIDE, ETC.

817. ***Lieutenant-Colonel H. A. J. Gidney :** (*i*) (*a*) With reference to paragraph 8 of the Secretary of State for India's communiqué, dated Simla, the 10th May 1928, regarding the future of the I. M. S., will

Government be pleased to state whether reservation of " existing rights " of the surplus of I. M. S. officers resulting from the operation of this scheme refers only to I. M. S. officers in permanent civil employment and excludes those temporarily employed in such civil capacity ?

(*b*) What is meant by and included in the words " existing rights " ?

(*c*) If the answer to the latter part of (*a*) be in the affirmative, will Government be pleased to state whether these surplus officers will be reverted to military duty or not ?

(*ii*) How many years after the introduction of this scheme will the position be reviewed by Government with a view to increasing or decreasing these safeguards ?

Mr. G. S. Bajpai : (*i*) With your permission, Sir, I shall answer part (*b*) of the question first. The words " existing rights " are used in the ordinary sense, that is to say, rights which the officers concerned enjoyed at the time of announcement of the reorganisation scheme. In particular the preservation of existing rights includes the retention of prospects equivalent to these afforded by the rules made by the Secretary of State in 1923.

(*a*) and (*c*) I. M. S. officers transferred temporarily from the military to the civil side have no right to permanent retention in civil employ. If they are not required to fill the posts reserved for officers of the I. M. S., the Government of India cannot compel Local Governments to find employment for them. They will be reverted to military duty unless they can be employed on the civil side elsewhere.

(*ii*) There is no intention to review the position periodically.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member kindly inform the House with reference to his reply to part (*i*) of the question whether in the case of a permanent Civil Surgeon officiating, say, as First Surgeon or Second Surgeon of a hospital when this reorganisation scheme of the Secretary of State was introduced, the permanent incumbent being on leave, it would be considered that he (the officiating Surgeon) had an existing right which should be protected ? In other words, whether the fact that he is officiating as First Surgeon or Second Surgeon would give him an existing right for not being replaced by an Indian non-I. M. S. man, *e.g.*, a Provincial Service Surgeon ?

Mr. G. S. Bajpai : It is not possible, Sir, to give a definite ruling on that point, because everything depends upon whether the officiating First Surgeon or Second Surgeon has already been transferred permanently to civil employ or not. It is quite possible that a person who has been transferred permanently to civil employ was holding a permanent appointment in civil employ at the time when he was acting as First or Second Surgeon. In that case he would undoubtedly remain on the civil side. But if a person who has been transferred to civil employ since 1st April 1924, when the Lee Commission Report was published, and has been given definitely to understand that he is being sent to civil employ on the understanding that, if there is a reorganisation, he may have to revert to military employ, then in that case, I fear that he will not be considered as having an existing right to confirmation on the civil side.

Lieut.-Colonel H. A. J. Gidney : I do not think the Honourable Member has understood my question. In the case of a British I. M. S. Civil Surgeon or Superintendent of another hospital officiating, say, as Second

Surgeon in the Medical College Hospital, the permanent incumbent being away an leave, or there being a vacancy would he be considered to have any existing right to retention or permanency in that appointment, especially when the Secretary of State's communiqué states that that appointment is a non-I. M. S. one ?

Mr. G. S. Bajpai : Would the Honourable Member kindly repeat his question ?

Lieut.-Colonel H. A. J. Gidney : In the case of an appointment of a British I. M. S. Civil Surgeon officiating as Second Surgeon of a hospital when this scheme came into force—I refer to the recent communiqué received from the Secretary of State—would that offer who is officiating as Second Surgeon be considered to have an existing right as Second Surgeon ?

Mr. G. S. Bajpai : No, Sir. Because the words "existing right" have relation to the permanent appointment held by that officer. He has an existing right to the permanent post from which he is promoted to act, but he has no existing right to be confirmed in the acting appointment, unless the appointment is reserved under the reorganisation scheme.

Lieut.-Colonel H. A. J. Gidney : That is to say, a permanent Civil Surgeon has an "existing right" as a Civil Surgeon only and not to any post in which he is acting ?

Mr. G. S. Bajpai : Yes.

Lieut.-Colonel H. A. J. Gidney : Is not the Honourable Member wrong when he states that an officer transferred from the military to civil side has no claim to permanency in the civil side ? Let me put it this way. Is the Honourable Member right in saying that because a military officer is sent to civil, he has no claim to being made permanent in time ?

Mr. G. S. Bajpai : Well, Sir, if the Honourable Member chooses to put his authoritative interpretation against that of the Secretary of State, I do not propose to contend with him. I merely stated the position as it has been put forward in the communiqué of the Secretary of State.

Lieut.-Colonel H. A. J. Gidney : There is no use the Honourable Member trying to be facetitious and so confuse the House. What I want to know is this : Is it or is it not a fact that an I. M. S. officer when he is sent from military to civil employ must necessarily at first be temporary before he becomes permanent ? That is a hard and fast rule.

Mr. G. S. Bajpai : If the Honourable Member is inviting the attention of the House to the fact that ordinarily I. M. S. officers when they are transferred from military to civil are in temporary employ for the first two years, then he is stating the obvious. I thought every Honourable Member of the House knew that. What I wanted to state or point out to the Honourable Member was that officers who have, subsequent to 1st April 1924, been transferred to civil employ have been given to understand that they are not subject merely to this ordinary probationary period of two years, but that they are liable to reversion even after two years, if as a result of a reorganisation scheme it is held there is no reserve post in which they can be employed.

Lieut.-Colonel H. A. J. Gidney : Is the Government prepared or is it not prepared to review the situation from time to time as the Lee Commission proportion of appointments reaches that recommended by the Commission ? In other words.....

Mr. President : The Honourable Member has already put his question. He need not paraphrase it.

Lieut.-Colonel H. A. J. Gidney : I am enquiring about part (*ii*) which is a different question. The answer to that part is distinct from the question just answered. Part (*ii*) relates to reviewing periodically the position of the British I. M. S. and non-I. M. S. percentage of appointments. Will the Government state whether they intend to review periodically the position as hinted in the communiqué, say, within five years or so and as Indianisation progresses ?

Mr. G. S. Bajpai : I do not really know, Sir, how that question arises out of the answer I have given. The first part of the Honourable Member's question relates to safeguards which the Secretary of State or the Government of India have prescribed for I. M. S. officers in civil employ. Those safeguards would apply to all I. M. S. officers in civil employ and I am not quite sure that the I. M. S. officers in civil employ would actually welcome a fluctuating or elastic safeguard which is liable to variation from time to time.

Lieut.-Colonel H. A. J. Gidney : That, Sir, does not answer the question at all.

Mr. G. S. Bajpai : I am sorry I have not satisfied my Honourable friend.

EMPLOYMENT OF OFFICERS OF THE I. M. D. IN THE 90 CIVIL MEDICAL POSTS TO BE RELEASED FOR THE PROVINCIAL MEDICAL SERVICES.

818. ***Lieutenant-Colonel H. A. J. Gidney** : (*a*) With reference to paragraph 7 of the Secretary of State's communiqué, dated Simla, the 10th May 1928, will Government be pleased to state, in regard to the 90 civil medical posts that will be released for the Provincial Medical Services, whether or not any of these will be reserved for I. M. D. officers at present employed and to be employed in the various Provincial Medical Services ?

(*b*) If so, how many of these 90 posts will be allotted to the I. M. D. ?

Mr. G. S. Bajpai : (*a*) and (*b*). The matter is one for the decision of Local Governments.

Lieut.-Colonel H. A. J. Gidney : A supplementary question, Sir. Is the I. M. D. a Provincial Service or an All-India Service ?

Mr. G. S. Bajpai : The I. M. D.—and I am speaking subject to correction from my friend the Army Secretary—is a service under the control of the Government of India, but when a man is employed in the provinces then his prospects, so far as appointment to civil posts is concerned, are controlled by the Local Government and not the Government of India.

Lieut.-Colonel H. A. J. Gidney : Is their retention in civil medical employment subject to the Government of India or the Local Government ?

Mr. G. S. Bajpai : Well, Sir, it seems to me that my Honourable friend is not quite clear in his own mind as to the respective authority of the Government of India and the Local Government. If it were a case of an appointment directly under the Government of India undoubtedly the Government of India would regulate the conditions of service of I. M. D. officers, but *ex hypothesi* in the case of appointments which have been transferred to the control of Local Governments the conditions of service and the conditions regulating appointment are for the Local Government and not for the Government of India.

Lieut.-Colonel H. A. J. Gidney : Sir, the Honourable Member has not understood my supplementary question at all. What I want is a definite answer from the Honourable Member as to whether this recent communiqué from the Secretary of State refers to an All-India or a Provincial Service and I ask the Honourable Member to tell me whether in these 90 appointments of civil surgeoncies which the Secretary of State's communiqué states are to be freed or given to the Provincial Medical Service, the I. M. D. are excluded or not ?

Mr. G. S. Bajpai : I am very sorry, Sir, that although the Honourable Member himself by implication tells us that these 90 appointments have been transferred out of the category of an All-India Service into the category of a Provincial Service, nevertheless he requires the Government of India to state whether these I. M. D. officers are eligible for these appointments or not. The matter, as I say, is entirely one for the Local Governments.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATE EMPLOYEES IN THE INDIAN STATE RAILWAYS.

819. ***Lieutenant-Colonel H. A. J. Gidney**: Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinate employees in the Indian State Railways ? If not, why not ?

Mr. A. A. L. Parsons : The Study Leave Rules do not ordinarily apply to non-gazetted officers. In exceptional cases proposals to extend these rules to such officers can be considered by the Government of India.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATE EMPLOYEES OF THE IMPERIAL CUSTOMS SERVICE.

820. ***Lieutenant-Colonel H. A. J. Gidney**: Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinate employees in the Imperial Customs Service ? If not, why not ?

The Honourable Sir Bhupendra Nath Mitra : The Study Leave Rules do not ordinarily apply to officers of the Customs Department, and the Government of India have not as yet thought it necessary in the public interest to exercise the power that they possess of extending the rules to any officer of that Department.

Lieut.-Colonel H. A. J. Gidney : Will the Honourable Member please tell me why the Customs Service is the only service that refuses to consider the grant of study leave to its non-gazetted officers ?

The Honourable Sir Bhupendra Nath Mitra : I have already stated, Sir, that the Government of India have not thought it necessary in the public interest to extend the Study Leave Rules to any officer of the Customs Department.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATES IN THE INDIAN TELEGRAPH DEPARTMENT.

821. ***Lieutenant-Colonel H. A. J. Gidney**: Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinates in the Indian Telegraph Department ?

The Honourable Mr. A. C. McWatters : If by the term " upper subordinates " the Honourable Member is referring to gazetted officers of the Telegraph Department, the reply is in the affirmative. If, however, he refers to non-gazetted officers, study leave to Europe with study leave allowance is granted only in exceptional circumstances.

GRANT OF STUDY LEAVE TO EUROPE TO UPPER SUBORDINATES IN THE SURVEY OF INDIA.

822. ***Lieutenant-Colonel H. A. J. Gidney**: Will Government be pleased to state if study leave to Europe with study leave allowance is permissible to upper subordinates in the Survey of India Department ?

Mr. G. S. Bajpai : Study leave is not ordinarily admissible to officers of the upper subordinate service in the Survey of India.

INTRODUCTION OF THE ELECTIVE SYSTEM IN ALL THE MUNICIPALITIES AND LOCAL BOARDS OF THE NORTH WEST FRONTIER PROVINCE.

823. ***Maulvi Sayyid Murtaza Saheb Bahadur** : (*a*) Will Government be pleased to state whether they propose introducing an elective system in all the Municipalities and Local Boards of the North West Frontier Province ?

(*b*) Is it a fact that the Government intend introducing the elective system only in a few municipalities, such as Peshawar ?

(*c*) Is it a fact that the citizens of the municipalities that have been denied the benefit are quite discontented ?

(*d*) Is it a fact that the Government intend putting off the introduction of the elective system in the District Boards ?

(*e*) Do Government propose to introduce the long-felt system in all the municipalities and District Boards throughout the Province ?

Mr. G. S. Bajpai : (*a*) to (*e*). The question is under consideration but no conclusions have yet been reached.

Nawab Sir Sahibzada Abdul Qaiyum : May I know, Sir, if it is the intention of the Local Administration to raise the standard of franchise in the urban areas in order to reduce the Mussalman majority in the municipalities ?

Mr. G. S. Bajpai : That, Sir, is not my information.

(1) INTRODUCTION OF THE REFORMS INTO THE NORTH-WEST FRONTIER PROVINCE.

(2) PROPOSED RESORT TO CIVIL DISOBEDIENCE OF THE PEOPLE OF THE NORTH-WEST FRONTIER PROVINCE.

824. ***Maulvi Sayyid Murtaza Saheb Bahadur** : (*a*) Do the Government propose making any practical move in introducing Reforms into the North West Frontier Province ?

(*b*) Are the Government aware that the Peshawaris have passed a resolution in favour of civil disobedience, so that the Government may not go on procrastinating the introduction of the Reforms against the popular will and in spite of the Resolutions of the Assembly ?

(*c*) Are they aware that many volunteers have enlisted themselves for the purpose ?

(*d*) Are they aware that the Muslims of the Punjab have passed a resolution sympathising with the Peshawaris in their proposed constitutional fight and promising them every help ?

(*e*) Is it a fact that the Government have been informed that in case the movement develops itself into something undesirable, the responsibility will devolve on the Government and not on the resorters to civil disobedience ?

The Honourable Mr. J. Crerar : (*a*) The question is under the consideration and examination of Government.

(*b*) A resolution to the effect was it is believed passed by a meeting held in July by the Peshawar Khilafat Committee.

(*c*) No.

(*d*) Government are aware that such a resolution was reported by the Press to have been passed by the Punjab Khilafat Committee.

(*e*) A hypothetic warning to this effect was contained in the resolution referred to in answer to question (*b*) above.

EXCLUSION OF INDIANS FROM THE CIVIL SERVICE EXAMINATION OF CEYLON.

825. ***Maulvi Sayyid Murtaza Saheb Bahadur** : (*a*) Is it a fact that the Ceylonese can compete for the Indian Civil Service Examination but that Indians are not eligible for the Civil Service Examination of Ceylon ?

(*b*) Is it a fact that there was no such restriction on Indians until a few years ago ?

(*c*) Will the Government be pleased to state what led to the restriction above referred to ?

The Honourable Mr. J. Crerar : (*a*) Ceylonese can compete at the Indian Civil Service examination in London, but not at the examination in Delhi.

(*b*) Yes.

(*c*) The restriction was imposad as a result of the reservation of a fixed proportion of vacancies to natives of Ceylon.

CONVICTION OF KANGANIES (COOLIE RECRUITERS) FOR FORGERY AND ENTRAPPING COOLIES.

826. ***Maulvi Sayyid Murtaza Saheb Bahadur** : Has the attention of the Government been drawn to the fact that many Kanganies (recruiters of coolies) have been convicted for forging documents and entrapping coolies ?

Mr. G. S. Bajpai : Yes, but I would draw the Honourable Member's attention to the fact that the number of Kanganies who have been found guilty of the irregular practices mentioned is infinitesimal.

PROPOSAL MADE BY THE AGENT OF THE GOVERNMENT OF INDIA IN CEYLON FOR THE ABOLITION OF THE KANGANY SYSTEM OF RECRUITING LABOURERS.

827. ***Maulvi Sayyid Murtaza Saheb Bahadur** : (*a*) Have the Government received any communication from their Agent in Ceylon recommending that the Kangany system should be done away with and that some other system should be introduced in its stead ?

(*b*) What is the system recommended by the Agent ?

(*c*) Have the Government favourably considered the recommendation ?

(*d*) If not, do they propose to do so now ?

Mr. G. S. Bajpai : (*a*) By the term "Kangany system" Honourable Member no doubt refers to the system in force for the recruitment of labourers in India for employment on estates in Ceylon through licensed recruiters known as Kanganies. The Government of India have received no proposal from their Agent in Ceylon for the abolition of this system and the introduction in its place of some other method of recruitment.

Parts (*b*), (*c*) and (*d*) of the question do not arise.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

ROUTINE GRADE OF CLERKS IN THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

798. ***Pandit Nilakantha Das** : (*a*) Is it a fact that the late Ordnance Branch, Army Headquarters, the late office of the Director of Ordnance Factories, Calcutta, and the late temporary office of the Controller of Contracts were merged in the Master General of Supply Branch on its formation in 1924 ?

(*b*) Is it also a fact that with a view to absorbing the staff of these offices, a routine grade was introduced in the Master General of Supply Branch, with effect from the 16th October 1924 ?

(*c*) Is it a fact that some of the clerks who held substantive appointments in the late Ordnance Branch and in the late office of the Director of Ordnance Factories, Calcutta, were regraded to the routine grade while some clerks who were qualified only for the routine grade were promoted to the second division ? If so, will Government please state the reason for this ?

(*d*) Is it a fact that the routine grade has not yet been introduced in other branches of Army Headquarters, and that clerks in those branches who are qualified for the routine grade only are confirmed in the second division ?

(*e*) If so, will Government please state whether such confirmation in the second division is permissible under the rules ? If not, why is this being done ?

Mr. G. M. Young : (*a*) Yes.

(*b*) The routine grade was introduced as a measure of economy suitable to the conditions of a newly formed Branch of Army Headquarters.

(*c*) Only two clerks, who held second division appointments in the late Ordnance Branch, were regraded to the routine grade. They were fit only for routine work and would not have advanced beyond the efficiency bar of the second division. No clerk qualified only for the routine grade was promoted to the second division.

(*d*) Yes.

(*e*) Yes, but men suitable for the routine grade only in other Branches are not allowed to pass the efficiency bar of the second division.

RECRUITMENT OF THE CLERICAL STAFF FOR THE CONTRACTS DIRECTORATE.

799. ***Pandit Nilakantha Das** : (*a*) Is it a fact that the staff belonging to the Contracts Directorate is shortly to be separated from the common roll of the Master General of Supply Branch ? If so, why ?

(*b*) Is it also a fact that henceforward recruitment of clerical staff for this Directorate will be made on a nomination basis ? If so, will Government please state whether the Public Service Commission has agreed to this procedure ?

(*c*) Is it a fact that the nature of the clerical work in the Contracts Directorate and in the Indian Stores Department is the same ?

(*d*) If so, will Government please state whether the Indian Stores Department is also being exempted from the operations of the Public Service Commission ? If not, why not ?

Mr. G. M. Young : (*a*) The answer is in the affirmative. The reason is that the work required in the Contracts Directorate is of a special character.

(*b*) Recruitment is already being made on a basis of very careful selection. Candidates are interviewed in the first place by the Head of the Contracts Directorate with special reference to commercial aptitude, which is a more important requisite for the work that is demanded of them than the ordinary educational qualifications. The selections are then carefully scrutinised by the Master General of Supply and forwarded to the Army Department for its concurrence. The concurrence of the Public Service Commission to this procedure is not required.

(*c*) The work in the Contracts Directorate is in some respects similar to, but by no means identical with, the work in the Indian Stores Department. The principal difference lies in the fact that the Contracts Directorate conducts a large volume of sales. Since the inception of the Disposals Organization in the Directorate about two years ago, the volume of sales has already risen from 20 lakhs a year to over 45 lakhs a year.

(*d*) Does not strictly arise, but it is a fact that the Indian Stores Department recruits its clerical personnel through the Public Service Commission. The Indian Stores Department however does not conduct any sales.

RECRUITMENT OF A SUBORDINATE ACCOUNTS SERVICE CLERK FOR THE ESTABLISHMENT SECTION OF THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

800. ***Pandit Nilakantha Das** : (*a*) Is it a fact that the staff of the Establishment Section (Section M. G.-5), which deals with Headquarters establishment cases of the Master General of Supply Branch, consists of a whole-time Superintendent, one senior first division assistant, one cashier (senior clerk) and several other clerks and that the section is in charge of the Officer Supervisor ?

(*b*) Is it also a fact that to strengthen the staff of this section, a Subordinate Accounts Service clerk from the Military Accountant General's office is shortly being recruited as a permanent first division assistant ?

(*c*) If so, will Government please state whether the nature of the clerical duties in this Section (Section M. G.-5) has undergone any change as to necessitate the appointment of a Subordinate Accounts Service clerk ?

(*d*) If not, what is the justification to recruit an outsider ? Has the existing staff of this section proved a failure ?

(*e*) Do other branches of Army Headquarters propose to recruit Subordinate Accounts Service clerks for doing establishment cases ?

(*f*) If not, why is such recruitment necessary in the case of the Master General of Supply Branch ?

(*g*) Is it a fact that the recruitment of the Subordinate Accounts Service clerk will involve the supersession of several officiating first division clerks who have put in several years' satisfactory service in the Branch ? If so, will Government please state why these officiating clerks are being superseded ?

Mr. G. M. Young : (*a*) The staff of the Establishment Section is, 3 Assistants, 4 second division clerks and 2 routine grade clerks, but it has been found necessary to borrow temporarily the services of a Superintendent in place of an upper time scale Assistant.

(*b*) There is a proposal to fill a vacancy in the establishment by appointing a Subordinate Accounts Service clerk.

(*c*) There has been no alteration in the nature of the work, but the nature of the work itself is such that it would be done better by an accounts expert.

(*d*) The Honourable Member is referred to the answer to part (*c*). The existing staff has not proved itself efficient.

(*e*) The point has not yet arisen in other Branches.

(*f*) For the reason given at (*c*).

(*g*) The answer to the first part is in the affirmative. The answer to the second part is contained in (*c*) and (*d*).

UNSTARRED QUESTIONS AND ANSWERS.

SAFEGUARDING OF THE INTERESTS OF MINORITY COMMUNITIES IN CIVIL AUDIT AND ACCOUNTS OFFICES.

456 Dr. A. Suhrawardy : (*a*) Is it a fact that the Government of India asked the Auditor General some time ago to safeguard the interests of the minority communities in Civil Audit and Accounts Offices ?

(*b*) Is it a fact that the Auditor General instructed the Accountants General accordingly and that the latter did not at first carry out his instructions ?

(*c*) Is it a fact that the Auditor General had to remind the Accountants General more than once in this behalf and to call for a report in this connection within a specified period ?

(*d*) Is it a fact that the Accountant General, Central Revenues, Delhi, persisted in disregarding the instructions of the Government of India and his attention to his duty towards the minority communities had to be drawn by telegram ?

(*e*) Is it a fact that the Accountant General, Central Revenues, Delhi, requisitioned the services of two suitable Muslim Accountants (one from the office of the Accountant General, Punjab, and the other from the office of the Accountant General, Posts and Telegraphs) in his office and confirmed them ?

(*f*) Is it a fact that these are the only two Muslim Accountants at present in the Office of the Accountant General, Central Revenues, Delhi ?

The Honourable Sir Bhupendra Nath Mitra : With your permission, Sir, I will reply to questions Nos. 456, 457, 460, 461 and 462 together. Enquiries are being made and the information will be supplied to the Honourable Member in due course.

NUMBER OF MUSLIM AND NON-MUSLIM ASSISTANT ACCOUNTS OFFICERS, SENIOR ACCOUNTANTS AND ACCOUNTANTS, ETC., SERVING IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DELHI.

†457. **Dr. A. Suhrawardy** : Will the Government be pleased to state the respective number of non-Muslim and Muslim Assistant Accounts Officers, senior accountants and accountants, clerks, typists, stenographers and record clerks, serving in the office of the Accountant General, Central Revenues, Delhi ?

EDUCATIONAL QUALIFICATIONS NECESSARY FOR THE APPOINTMENT OF ASSISTANT ACCOUNTS OFFICER.

458. Dr. A. Suhrawardy : (*a*) Will the Government be pleased to state what educational qualifications are necessary for the post of Assistant Accounts Officer ?

(*b*) Is it a fact that some time ago the Auditor General in India did not accept the recommendation of the Accountant General, Central Revenues, Delhi, for admission of an Assistant Accounts Officer to the enrolled list on the ground of that official's educational qualifications being low ?

†For answer to this question, see answer to question No. 456.

The Honourable Sir Bhupendra Nath Mitra : (*a*) Promotions to the grade of Assistant Accounts Officers are made by the Auditor General by selection from among accountants and senior accountants. No educational qualifications are, therefore, required other than those necessary for accountants.

(*b*) The reply is in the negative.

PREFERENTIAL TREATMENT TO CANDIDATES FOR CIVIL EMPLOY ON THE SCORE OF WAR SERVICES.

459. Dr. A. Suhrawardy : Is it a fact that according to the standing orders of the Government of India preferential treatment is to be accorded to candidates for civil employ on the score of war services and that the same also applies to special promotion for civil employees ?

The Honourable Mr. J. Crerar : The answer to the first portion of the question is in the affirmative, and to the second part in the negative.

EXAMINATION FOR APPOINTMENTS AS CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DELHI.

†460. **Dr. A. Suhrawardy** : (*a*) Is it a fact that an examination for appointment as a clerk in the office of the Accountant General, Central Revenues, Delhi, was held in August 1928, for Muslims, Sikhs and Christians only ?

(*b*) Is it a fact that Hindus were also allowed to sit for this examination ? If so, why ?

(*c*) Is it a fact that many approved candidates were absent from the examination ? If so, how many, and how many of them were Muslims ?

(*d*) Is it a fact that many intimations for the said examination were not really sent to the candidates ? If so, who is responsible for it ?

(*e*) Is it a fact that in the " Despatch Register " of the office of the Accountant General, Central Revenues, the entries regarding issue of intimations were not made by names but something like this—" 50 intimations sent " ?

(*f*) Is it a fact that no Muslim was appointed an examiner for the said examination ?

(*g*) Is it a fact that Rs. 3 per candidate were charged as an admission fee to the said examination ?

TOTAL NUMBER OF MEN ENTERTAINED BY THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DURING THE LAST THREE YEARS AS PROBATIONERS AGAINST POSTS IN THE SUBORDINATE ACCOUNTS SERVICE.

†461. **Dr. A. Suhrawardy** : Will the Government be pleased to state the total number of men entertained by the Accountant General, Central Revenues, during the last three years, as probationers against Subordinate Accounts Service posts in his office, and how many of them were Muslims ?

†For answer to this question, see answer to question No. 456.

INADEQUATE REPRESENTATION OF MUSLIMS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES, DELHI.

†462. **Dr. A. Suhrawardy** : (*a*) Will the Government be pleased to state the total number of the following classes of officers employed in the Office of the Accountant General, Central Revenues, Delhi :

(1) Assistant Accounts Officers,

(2) accountants,

(3) clerks,

and also the number of Muhammadans belonging to each of the above classes ?

(*b*) Is it a fact that the representation of Muslims in the above classes of service is inadequate ? If so, do Government propose to make up the deficiency in the near future either by direct recruitment or by promotion as may be permissible under the departmental regulations ?

PERSONAL ASSISTANT TO THE ARMY SECRETARY.

463. Mr. Siddheswar Sinha : (*a*) Is it a fact that the appointment of Personal Assistant to the Army Secretary was as late as 1926 a non-gazetted one ?

(*b*) Is it a fact that until then he was employed as a shorthand writer though holding an assistant's appointment ?

(*c*) Is it a fact that in addition, the Army Secretary had and still has a lady shorthand writer to help him in shorthand duties ?

(*d*) Is it a fact that in addition to his Personal Assistant and this lady shorthand writer the Army Secretary has on his personal staff a second division clerk in receipt of a pay of about Rs. 180 a month ?

(*e*) What is the strength of the personal staff of the Secretaries in other Departments ?

(*f*) Was the Personal Assistant to the Army Secretary classified in 1927 as a gazetted Superintendent ?

(*g*) Is there any such instance in any other Department of the Government of India ?

(*h*) Is it a fact that having been classified as a gazetted Superintendent the Personal Assistant to the Army Secretary was subsequently given a special rate of increased pay corresponding approximately to that of a regular Superintendent ?

(*i*) Is it a fact that the Personal Assistant is in charge of the Army Department establishment which comprises men who are senior both in rank and pay to the Personal Assistant himself ?

(*j*) What are the educational qualifications of the Personal Assistant ?

Mr. G. M. Young : (*a*) Yes.

(*b*) No, Sir. He was then holding the appointment, and doing the work of a first division assistant. Since 1924, when the post of Registrar was abolished, as a measure of economy, certain of his responsible duties have been performed by the Personal Assistant. The present incumbent was selected for the purpose from among the assistants in the office.

(*c*) The Army Secretary is allotted one stenographer : the post is at present held by a lady.

(*d*) No, Sir.

(*e*) No Secretary has a personal staff in the usually accepted sense of he term. All Secretaries have stenographers. The Army Secretary has a Personal Assistant, who, as explained above, performs also many of the duties of Registrar.

(*f*) Yes.

(*g*) No, Sir. A Personal Assistant is a necessity to the Army Secretary because the bulk of his work lies not so much in the Department itself as with the very large organization at Army Headquarters, with all parts of which he has to maintain constant liaison.

(*h*) Yes, his pay was increased in 1927, because further duties and responsibilities were then assigned to him.

(*i*) The Personal Assistant is in charge of the non-gazetted portion of the Army Department establishment, which does not comprise anyone senior to him in rank or pay.

(*j*) He entered the Department after competing successfully in the prescribed examination for the Government of India Secretariat.

ASSISTANT COMPILER OF THE ARMY LIST.

464. **Mr. Siddheswar Sinha** : (*a*) Is it a fact that the post of Assistant Compiler of the Army List was recently created in the Army Department, and that for this reason its incumbent was exempted from passing the Public Service Commission's test ?

(*b*) Did the present incumbent hold any technical qualifications particularly suited to the post, thus qualifying his exemption from the Commission's test ?

(*c*) Is it a fact that in the Army Department there were permanent men with previous experience of Army List work who could be appointed to hold the appointment ? If so, why were their claims overlooked ?

Mr. G. M. Young : (*a*) The posts of Compiler and Assistant Compiler of the Army List are specialised posts, and the incumbents are not eligible for promotion to other appointments on the regular clerical establishment. The pay of Assistant Compiler is less than that of a 1st division assistant, but greater than that of a 2nd division clerk. A 1st division assistant would therefore not accept the appointment, while 2nd division clerks are not sufficiently qualified. For these reasons, the appointment was not made through the Public Service Commission : but there is no prescribed test from which he required exemption.

(*b*) A graduate (M.A.) was appointed. No technical qualifications are required ; but the post demands a relatively high standard of education. For the reasons explained in reply to part (*a*), the question of exemption from any test of the Public Service Commission did not arise.

(*c*) The reply to the first part is in the negative. The second part does not arise.

†For answer to this question, see answer to question No. 456.

RECRUITMENT OF CHITTAGONG HINDUS IN THE PROVINCIAL CADRE OF THE POSTAL SERVICE.

465. **Mr. Satyendra Chandra Mitra** : (*a*) Will Government be pleased to state if any memorial was received by the Director General of the Posts and Telegraph Department from the Chittagong Association, dated the 23rd May, 1928, regarding recruitment of Chittagong Hindus in the provincial cadre of the Postal Service ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state what action, if any, has been taken on the memorial ?

Mr. P. G. Rogers : (*a*) Yes ; there is however no " provincial cadre of the Postal Service ".

(*b*) The memorialists have been asked to explain what exactly they mean.

MEMORIALS ADDRESSED TO THE FINANCIAL COMMISSIONER, RAILWAY BOARD, BY THE CLERKS OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

466. **Mr. Satyendra Chandra Mitra** : (*a*) Have Government received petitions addressed to the Financial Commissioner, Railway Board, from the clerks in the Railway Clearing Accounts Office, Delhi, dated the 3rd April, 1928, asking for (*i*) reconsideration in the matter of concessions to the Eastern Bengal Railway staff on account of their transfer to Delhi, (*ii*) grant of monthly house rent of Rs. 10 and (*iii*) grant of four sets of passes in a year ?

(*b*) If so, will Government be pleased to state what action they have taken on these petitions and particularly when the men concerned are likely to be provided with quarters ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The memorialists were informed that the concessions sanctioned already were considered adequate. The question of providing quarters for the staff is at present under consideration.

MEMORIAL FROM THE CLERKS EMPLOYED UNDER THE CONTROLLER OF PRINTING AND STATIONERY, INDIA.

467. **Mr. Satyendra Chandra Mitra** : (*a*) Have Government received a memorial from the clerks under the Controller of Printing and Stationery, India, through the Controller, for the betterment of their pay and prospects submitted nearly a year and a half ago ?

(*b*) If the answer to (*a*) be in the affirmative, will Government be pleased to state what action has been taken on the memorial ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) The memorial is under consideration.

PAY OF THE INDIAN SUBORDINATE STAFF EMPLOYED ON THE BENGAL AND NORTH WESTERN RAILWAY.

468. **Mr. Gaya Prasad Singh** : Will the Government be pleased to state if of late there was any correspondence between the Railway Board and the Agent, Bengal and North Western Railway, regarding the scales of pay of the Indian subordinate staff working on this railway ? If so, with what result ?

Mr. A. A. L. Parsons : There was no such correspondence.

OVERWORKED STAFF IN THE TRAFFIC AND LOCOMOTIVE DEPARTMENTS ON THE BENGAL AND NORTH WESTERN RAILWAY.

469. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the staff employed in the Traffic and Locomotive Departments on the Bengal and North Western Railway are overworked ?

(*b*) Do some of them work for 12 hours a day and some for 24 hours ?

(*c*) Is it a fact that the train staff have no limit to their working ?

(*d*) If the reply be in the affirmative, will the Government be pleased to state whether they are prepared to direct the Bengal and North Western Railway administration to reduce the working hours of the staff in accordance with the terms of the Geneva Convention ?

Mr. A. A. L. Parsons : I propose with your permission, Sir, to reply to questions Nos. 469, 471, 473, 474, 475, 476, 478 and 479 together. Enquiries are being made from the Railway Administrations and I will communicate with the Honourable Member in due course.

TRAINS WITHOUT VACUUM BRAKES ON THE BENGAL AND NORTH WESTERN RAILWAY.

470. **Mr. Gaya Prasad Singh** : Is it a fact that most of the trains on the Bengal and North Western Railway run without vacuum brakes ? If so, why ?

Mr. A. A. L. Parsons : No. Over 63 per cent. of the coaching vehicles (including brake vans used exclusively on passenger trains) on the Bengal and North Western Railway are vacuum-braked.

EMPLOYMENT OF MARKERS AS CLERKS, ASSISTANT GOODS CLERKS OR GOODS CLERKS AT SOME OF THE ROADSIDE AND JUNCTION STATIONS OF THE BENGAL AND NORTH WESTERN RAILWAY.

†471. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that on the Bengal and North Western Railway, markers are appointed at some of the road side and junction stations for the purpose of working as clerks, assistant goods clerks or goods clerks ?

(*b*) Is it a fact that they get a starting salary of Rs. 10 or 12 a month and there are only a few who get Rs. 16 a month ?

(*c*) Is it a fact that they are reckoned as menials and though their services are retained permanently they are kept on temporary scales and are deprived of all the privileges to which other servants of the same Railway are entitled ? If so, why ?

†For answer to this question, see answer to question No. 469.

EMPLOYMENT WITHOUT ANY EXTRA ALLOWANCE OF ASSISTANT GUARDS AND SHUNTERS AS GUARDS AND DRIVERS RESPECTIVELY ON THE BENGAL AND NORTH WESTERN RAILWAY.

472. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the assistant guards and shunters drawing salaries from Rs. 12 to 18, and 19 to 24 per mensem, whether qualified or not, are continuously made to work as guards and drivers respectively on the Bengal and North Western Railway ?

(*b*) Are they not paid an extra allowance for working as guards and drivers ?

(*c*) And are they held responsible and punished for any irregularity or error in the same manner as guards and drivers ?

(*d*) Do Government propose to intervene in the matter ? If not why not ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Joshi's starred question number 274 on the 8th September.

A copy of the Honourable Member's question has been sent to the Agent.

PAY OF SIGNALLERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†473. **Mr. Gaya Prasad Singh** : Is it a fact that the signallers on the Bengal and North Western Railway at wayside stations get salaries between Rs. 20 and 30 only and at junction stations between Rs. 30 and 50 ? If so, do Government propose to take necessary steps to bring their salaries into line with those obtaining on other Railways ?

GRANT OF INCREASED PAY TO INDIAN GUARDS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†474. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that Indian Guards on the Bengal and North Western Railway receive the minimum remuneration of Rs. 20 per mensem and there are only four or five who receive at most Rs. 60 per mensem ?

(*b*) Is it a fact that Indian guards used to get Rs. 21 as their minimum remuneration up to the year 1923 but that in the revision of scales of their salary and allowance their minimum salary was reduced to Rs. 20 per month ?

(*c*) Is it a fact that there are several classes of guards on this Railway ? Do Government propose to take steps to have their salaries increased ?

PAY OF STATION MASTERS OF "C" CLASS STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†475. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that there are five classes of stations on the Bengal and North Western Railway ?

(*b*) Is it a fact that most of the stations are classed as "C" ?

†For answer to this question, see answer to question No. 469.

(*c*) Is it a fact that station masters of "C" class stations receive a fixed salary of Rs. 50 while the salaries of the station masters of other classes are subject to increase ?

(*d*) If the reply to question (*c*) be in the affirmative, will the Government be pleased to state the principle on which the salary of station masters of one class is fixed while that of others are subject to increase ?

PAY OF DRIVERS, SHUNTERS, FIREMEN, FITTERS AND CARRIAGE EXAMINERS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†476. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the following salaries are provided in the current budget and establishment roll of the Bengal and North Western Railway for :

		Lowest.	Highest.
Drivers	European	120	200
	Indian	25	75
Shunters	European	60	80
	Indian	19	24
Firemen	European	35	80
	Indian	12	18
Fitters	European	50	200
	Indian	15	40
Carriage Examiners	European	100	200
	Indian	30	70

(*b*) If the reply be in the affirmative, will Government be pleased to state the reasons for this racial differentiation ?

PROVISION OF FACILITIES FOR THE INDIAN EMPLOYEES OF THE BENGAL AND NORTH-WESTERN RAILWAY IN THE BALRAMPUR HOSPITAL AT LUCKNOW.

477. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the Bengal and North Western Railway annually contributes a sum of Rs. 600 to the funds of the Balrampur Hospital at Lucknow and in lieu of this the hospital authorities grant concessions and afford other facilities to European and Anglo-Indian employees of the said Railway ?

(*b*) Are Government aware of any such contributions being made by the Bengal and North Western Railway for facilities to be afforded and concessions to be granted to its Indian employees in the Balrampur or any other hospital ? If so, how much and to which hospital ?

Mr. A. A. L. Parsons : There is no information in the Railway Board's office, and I have therefore referred the Honourable Member's enquiries to the Agent of the Bengal and North Western Railway and will let him know what the position is on receipt of the Agent's reply.

†For answer to this question, see answer to question No. 469.

EMPLOYMENT OF INDIANS AS DISTRICT OFFICERS, ETC., ON THE BENGAL AND NORTH WESTERN RAILWAY.

†478. **Mr. Gaya Prasad Singh** : Is it a fact that none of the District Officers and Heads of Departments and even the Foremen of Running sheds and Workshops on the Bengal and North Western Railway is an Indian ? If not, why not ?

RECOGNITION BY THE AGENT OF THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

†479. **Mr. Gaya Prasad Singh** : (*a*) Is there an Association of employees of the Bengal and North Western Railway entitled as " Bengal and North Western Railwaymen's Association " ?

(*b*) Is it a registered union under the Trade Unions Act, XVI of 1926 ?

(*c*) If so, is the Agent of that Railway not prepared to recognize the registered association of his employees ?

(*d*) If not, why not ?

(*e*) Is it a fact that the Agent of the Bengal and North Western Railway wrote to the General Secretary of the Association of employees of that Railway as follows :

" As you are aware this Railway does not recognize the Bengal and North Western Railwaymen's Association and I now beg to inform you that in future any communication received by me or any of the officers of this Railway from you or from any member of the Association will not be read but will be immediately torn up and put in the waste paper basket " ?

(*f*) Is it a fact that since then the Agent does not reply to any of the communications of that Association ? If so, why ?

NON-COMMUNICATION OF THE REASONS FOR THE DISMISSAL OR DISCHARGE OF AN EMPLOYEE ON THE BENGAL AND NORTH WESTERN RAILWAY.

480. **Mr. Gaya Prasad Singh** : (*a*) Is it not a fact that the reasons for dismissal and discharge of an employee on the Bengal and North Western Railway are not communicated to him in writing ?

(*b*) Is it a fact that no mention is made of such reasons in the service certificates granted to the employees, and sometimes even no remark is made regarding character, and that the space provided for the purpose is not filled up ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Joshi's question No. 706 of 20th September 1928.

ESTABLISHMENT OF A DEAD LETTER OFFICE AT PATNA.

481. **Kumar Ganganand Sinha** : (*a*) Will the Government be pleased to state whether statistics were collected to find out whether the Dead Letter Office at Patna was justified or not ? If so, when ?

†For answer to this question, see answer to question No. 469.

(*b*) Do Government propose to verify whether the information about statistics was correct or not ? If not, why ?

(*c*) Will the Government be pleased to lay on the table the statistics that may have a bearing on the establishment of a separate Dead Letter Office at Patna and indicate how that has been found impracticable so far ?

Mr. P. G. Rogers : (*a*), (*b*) and (*c*). In June last the Postmaster-General, Bihar and Orissa, reported that out of 7,000 postal articles handled by the Calcutta Dead Letter Office daily on an average, only about 1,300 relate to the Bihar and Orissa Circle. The number is so small that Government do not consider it desirable to establish a separate Dead Letter Office at Patna, having regard to considerations both of administrative convenience and of economy.

QUARTERS FOR CLERKS AT BHADRAK, BENGAL NAGPUR RAILWAY.

482. **Pandit Nilakantha Das** : (*a*) Is it a fact that clerks at Bhadrak railway station (Bengal Nagpur Railway) have got no quarters and they have got to live in very unhealthy cooly-quarters ?

(*b*) Is the Agent, Bengal Nagpur Railway, proposing to remedy this evil at an early date ?

Mr. A. A. L. Parsons : The Railway Board have no information but have sent a copy of the Honourable Member's question to the Agent, Bengal Nagpur Railway, in order that he may see whether any action is required.

PRESENT STRENGTH OF THE BRITISH AND INDIAN ARMY IN INDIA.

483. **Kumar Rananjaya Singh** : (*a*) What is the present strength of the British and Indian Army in India ?

(*b*) What percentage of it is permanently kept on the North-West Frontier ?

(*c*) What is the number of Hindu, Sikh and Muhammadan soldiers ?

Mr. G. M. Young : (*a*) British Army, approximately 63,500. Indian Army, approximately 192,000.

(*b*) About 28 per cent.

(*c*) Hindus—approximately 89,000.
Sikhs—approximately 20,000.
Muhammadans—approximately 79,500.

DATE OF THE OPENING OF THE LUCKNOW-JAUNPORE RAILWAY.

484. **Kumar Rananjaya Singh** : Will the Government be pleased to state when the Lucknow-Ja[illegible]re Railway line will be ready for traffic ?

Mr. A. A. L. Parsons: [illegible]e line will probably be opened early in 1931.

PURCHASE OF CLOTH BY GOVERNMENT.

485. **Kumar Rananjaya Singh** : Will the Government be pleased to state what is the total amount it annually spends on buying cloth and what percentage of it is spent on Indian-made cloth ?

The Honourable Mr. A. C. McWatters : The collection of the information required by the Honourable Member would involve an amount of time and labour disproportionate to the result. I am, however, in a position to give the Honourable Member figures of purchases of textile materials by the Indian Stores Department during the year 1927-28. The total value of the purchases amounted to Rs. 1,18,44,000 and 96.8 per cent. of this sum represented the value of textiles manufactured in India.

SUPPLY TO THE INDIAN STATUTORY COMMISSION OF THE NEHRU COMMITTEE'S REPORT.

486. **Kumar Rananjaya Singh** : Will the Government be pleased to state whether it is a fact that Sir John Simon, the President of the Indian Statutory Commission, asked the Government of India for copies of the Report of the Nehru Sub-Committee of the All-Parties Conference, and if it is a fact, how many copies of the report were sent ?

The Honourable Mr. J. Crerar : As soon as the Report was published the Statutory Commission asked the Government of India for copies, and 12 copies were accordingly obtained and sent to them.

GRANT OF CONVEYANCE ALLOWANCE TO THE CLERKS OF THE GOVERNMENT OF INDIA.

487. **Maulvi Mohammad Shafee** : (*a*) Will Government be pleased to say whether places near or about Roshanara Gardens, Safdarjung, Nizam-ud-din and Delhi Shahdara are within the notified area for the purposes of granting conveyance allowance to the clerks of the Government of India ?

(*b*) If the answer is in the negative, will Government be pleased to define the areas which come under the " Notified Area " ? Will Government be pleased to state whether conveyance allowance is granted to clerks living only in the Notified Area or even to those who live at a distance greater than the Notified Area ?

(*c*) Have Government fixed any limit of mileage for the purposes of granting conveyance allowance for those who are not provided with Government quarters and who live on any side of New Delhi except the Notified Area ? If not, why not ?

(*d*) With reference to the Honourable the Home Member's reply to Sir H. S. Gour's starred question No. 535, parts (*c*) and (*d*), dated the 26th March 1928, will Government be pleased to say whether distance or suitability of accommodation is the consideration for granting conveyance allowance to those clerks of the Government of India who are not provided with Government quarters in New Delhi and have to attend office after traversing a distance of five [illegible] miles ?

(*e*) If distance is the consideration for granting conveyance allowance, do Government know that clerks living near or about Roshanara Gardens, which are situated at a distance of about 5½ miles from the Secretariat buildings in New Delhi, are not granted it while those living near the Swiss Hotel (Alipore Road), which is about 4½ miles from the Secretariat, are entitled to such allowance ? If so, will the Government be pleased to state the reason for this ?

(*f*) In view of the paucity of accommodation for clerks who cannot afford to pay higher rents in the Notified Area, do Government propose to fix some limit of distance beyond which such allowance may be granted ?

The Honourable Mr. J. Crerar : (*a*) No.

(*b*) The Honourable Member is referred to the notification issued by the Chief Commissioner, Delhi, dated the 16th January 1913, which was published on page 122 of Part II of the Gazette of India, dated the 18th January 1913.

(*c*) No.

(*d*) to (*f*). The whole question of the justification of these conveyance allowances will be re-examined.

EXPULSION OF HAKIM SAMI ULLAH KHAN FROM THE AMBALA CANTONMENT.

488. **Mr. Abdul Haye** : (*a*) Will Government please state if it is their policy that they would not allow the residents of a Cantonment area to take part in politics ?

(*b*) Is it a fact that one Hakim Sami Ullah Khan was expelled from the Ambala Cantonment in 1920 by the Cantonment authorities and since then he has not been allowed to return ?

(*c*) Is it a fact that this Hakim Sami Ullah Khan made several representations to the authorities requesting them to let him know the reasons for which the order of expulsion was made against him and that his requests were not granted ?

(*d*) Is that order of expulsion still in force and is Hakim Sami Ullah Khan still prohibited from entering the limits of Ambala Cantonment ?

(*e*) Will Government please state why this order was originally made and what justification the Cantonment authorities have for keeping that order alive for eight years ?

(*f*) Is it a fact that in 1924 on a representation made by Hakim Sami Ullah Khan the Cantonment authorities expressed their willingness to allow him to return to the Cantonment area provided he would execute a bond to the effect that he would abstain from taking part in politics ?

(*g*) Is it a fact that in reply to the above Hakim Sami Ullah Khan stated that he was prepared to give an undertaking that he would not commit any offence or otherwise break any law and that he was not prepared to surrender his precious right of taking part in political movements ?

(*h*) Is it a fact that now in 1928 the Executive Officer of Ambala has again reiterated that permission to live in Ambala Cantonment can only be granted to Hakim Sami Ullah Khan if he is prepared to execute a bond that he would abstain from " political activities of an aggressive nature " ?

(*i*) Will Government please explain what is meant by " political activities of an aggressive nature " ? Is it not enough that Hakim Sami Ullah Khan is prepared to give an undertaking that he will confine his activities within the bounds of law ?

(*j*) Are Government prepared to direct that the order passed against Hakim Sami Ullah Khan be cancelled forthwith ? If not, why not ?

Mr. G. M. Young : (*a*) No, Sir.

(*b*), (*c*) and (*d*). Hakim Sami Ullah Khan was expelled from the Ambala Cantonment in 1921. The Government are not aware whether or not he has been allowed to return.

(*e*) The reason for the expulsion order was that the Officer Commanding considered that the presence of Hakim Sami Ullah Khan in the Ambala Cantonment was dangerous to good order.

(*f*) The answer is in the affirmative.

(*g*) The Government understand that in 1924 Hakim Sami Ullah Khan stated that he was prepared to undertake to abstain from political activities of an unlawful nature but refused to execute a bond to this effect.

(*h*) The Government have no information.

(*i*) and (*j*). The only grounds on which a person can be removed from the cantonment are " if he causes or attempts to cause or does any act which he knows is likely to cause disloyalty, disaffection or breaches of discipline amongst any portion of His Majesty's forces or is a person who, the Officer Commanding the Station has reason to believe, is likely to do any such act." If a reliable undertaking can be obtained from Hakim Sami Ullah Khan to the effect that he will refrain from such activities, there would appear to be no reason why the order passed against him should not be cancelled ; but under section 239 of the Cantonments Act the matter is primarily for the consideration of the Local Government or the Officer Commanding-in-Chief the Command to whom I will send a copy of this question and answer.

NUMBER OF WORKING DAYS INVOLVED AND THE NUMBER OF MEN INVOLVED IN EACH OF THE TRADE DISPUTES ON EACH OF THE STATE RAILWAYS SINCE 1925.

489. **Mr. Varahagiri Venkata Jogiah** : Will the Government be pleased to state the number of working days lost and number of men involved in each of the trade disputes that took place on each of the State Railways since 1925 ?

Mr. A. A. L. Parsons : I regret the information is not procurable.

RAILWAY INSTITUTES.

490. **Mr. Varahagiri Venkata Jogiah** : Will the Government be pleased to state the number of European and Indian Institutes respectively established on each of the State Railways, with information regarding the number of employés benefitted in each of the Institutes ?

Mr. A. A. L. Parsons : I am collecting the information for the Honourable Member and will send it to him in due course.

STATE RAILWAY SCHOOLS AND PAY OF TEACHERS EMPLOYED IN THEM.

491. **Mr. Varahagiri Venkata Jogiah** : Will the Government be pleased to state the number of adult schools maintained by each of the State Railways and the scales of pay of the teachers in the adult schools ?

Mr. A. A. L. Parsons :

	Number of adult schools.	*Pay of teachers.*
Great Indian Peninsula Railway	..	..
East Indian Railway	35	.. Rs. 16 to Rs. 40*
North Western Railway	2	.. Rs. 54 and Rs. 72
Eastern Bengal Railway	9	.. Rs. 31 to Rs. 73†

PETITIONS RELATING TO THE HINDU CHILD MARRIAGE BILL.

Mr. Deputy President (Maulvi Muhammad Yaqub) : I have the honour to present, on behalf of the Committee of Petitions, a petition relating to the Child Marriage Bill, which has been signed by 12,320 persons, who are all against the provisions of the Bill.

PRESENTATION OF THE REPORT OF THE PUBLIC ACCOUNTS COMMITTEE ON THE ACCOUNTS OF 1926-27.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to present the Report of the Public Accounts Committee on the accounts of 1926-27.

THE TRADE DISPUTES BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, when I gave notice some days ago of a motion for the reference of the Trade Disputes Bill to Select Committee it was in the hope that it might have been possible, if the House so desired, that the Bill should be proceeded with in its further stages during this Session. Also my motion would have made it possible for any Member of the House to give notice of a more dilatory motion and therefore the House could have decided whether they wished the Bill passed quickly or referred for circulation. Owing however to the progress of official business in the House this Session, it is obvious now that even if my motion had been carried it would not have been possible during the present Session to complete all the stages of the Bill in both Houses. Therefore, Sir, with your permission I beg to move that the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, be circulated for the purpose of eliciting opinions thereon. In view of the character of my motion I propose to be brief and I also hope to avoid anything of a controversial character.

The question of legislating on this subject was first taken up by the Government of India in the year 1919. That was the year in which the British Industrial Courts Act was passed and the Government of India addressed Local Governments enquiring whether legislation of this character would be useful in India. In the opinion of the majority of

*In one case the Head Shed Clerk receives an allowance of Rs. 4 for the work.

†In one case the Head Shed Clerk receives an allowance of Rs. 5 for the work, and in one other case a similar allowance of Rs. 5 is given.

[Mr. A. C. McWatters.]

Local Governments at that time legislation of that kind was likely to be ineffective. The Government of India took up the subject again in the year 1924 at the instance of the Government of Bombay and they circulated proposals to Local Governments, the substance of which was firstly a provision for boards of inquiry to be formed from standing panels of employers and workmen ; and secondly, as regards public utility services they proposed to borrow provisions from the Canadian Act of 1907 which made strikes and lock-outs in public utility services illegal until a board of inquiry had been appointed and reported. These proposals met with a somewhat mixed reception and the Government of India, who were at that time engaged in the preparation of the Trades Union Bill, preferred to wait for a short time because we held, and hold now, that the existence of strong and responsible trade unions is necessary for the effective carrying out of machinery such as we propose in the present Bill. In the summer of 1926 occurred the general strike in England, and in framing our present proposals we have taken into consideration the legislation which was passed in the summer of 1927 in England. So much for the past history.

Now, Sir, with regard to the principle of the Bill there is one principle which we have endeavoured to carry out throughout this Bill—a principle which gives the Bill such unity as it possesses—and that is that trade disputes between employers and workmen do not concern employers and workmen only, but they concern the public also and they involve an obligation on Government ; and therefore, Sir, in addition to providing machinery which may, we hope, tend to reduce trade disputes in the interests both of the employers and the workmen, we have endeavoured so to frame our proposals as to mobilise the force of public opinion so far as we can, and also in certain special circumstances to afford direct protection to the public.

The first portion of the Bill relates to the machinery for courts of inquiry and boards of conciliation. We have adopted two different types of machinery instead of one as was proposed in the original Bill, because we felt that in the differing circumstances of different industrial strikes and troubles it might be useful to have different types of machinery. We wish to leave ourselves as free a hand as we can and for that reason we have abandoned the panel system which was suggested in the earlier proposals. We have done so mainly because of the criticisms received on our proposals of 1924 ; it was felt that it would not always be easy to obtain the right kind of person from the standing panels and we wished to leave ourselves free to choose the best people possible in relation to the particular dispute. Secondly, it was pointed out to us that probably the men who would be most useful on these boards of inquiry would not be willing to have their names registered continuously as members of a panel, although they might be quite willing to serve on occasion if requested. Now with regard to these proposals regarding courts of inquiry and boards of conciliation there is only one other point I want to mention and that is that we have carefully avoided any suggestion of compulsory arbitration. Our earlier proposals were criticised, erroneously no doubt, on the ground that there was some suggestion of compulsory arbitration. Our present proposals are not open to any such criticism. Some people no doubt may prefer one kind of

machinery ; some another ; some may put their trust in compulsory arbitration ; some in voluntary arbitration ; but I think no one will dispute the principle of compulsory inquiry and compulsory conciliation, and that is what our Bill aims at. We aim at bringing in the force of public opinion in order to prevent and shorten these industrial troubles. It is the public and the press who are to be our high court of appeal.

There is one word of caution which I should like to give expression to. I do not suppose—nobody supposes—that this Bill is going to put an end to industrial troubles ; no one supposes that it is going to create a new heaven and a new earth. When the British Industrial Courts Act of 1919 was passed, it was after ten years of very careful preparation, by employers and by workmen and by Government, in setting up with in the industries themselves machinery for conciliation and for settlement of trade disputes. I have seen figures for the year 1926, I think, relating to the cotton mill industry in Lancashire. In that year there were 700 disputes between employers and workmen ; of these only 20 reached the final council at Manchester and not a single one of them was referred to Government for action under the Industrial Courts Act. That, Sir, is what we want to aim at in this country. I regard it as most important that this machinery within the industries themselves should be set up with the aid of employers and workmen and Government, and if that can be done I regard it as a far more important step than anything that will be accomplished by this Bill.

I now turn, Sir, to the second part of the Bill which deals with public utility services. The principle there is a simple one ; it is that there should be some interval given before a strike is allowed in services which are essential to the health, safety and welfare of the community. It is a principle which is recognised so far as I know in almost every country. The principle, though not exactly in this form, was recognised as early as 1875 in Mr. Disraeli's Act in England. It was in relation to gas and water. It was extended to electricity in 1919 and the English Act of 1927 applied the principle in the exact form in which we have it in our present Bill to all services under public bodies. We do not go so far as that ; we propose to apply it only to what we consider to be essential public services. I should like to point out here that the principle is already recognised in some of our Indian Acts ; it exists in the Post Office Act ; it exists in every single municipal Act in India. Those Acts apply directly to men engaged in scavenging; and may in most cases be extended by the Local Governments to any employees in municipalities who are concerned with services affecting the health and safety of the community. So the principle is one which I think will be easily accepted. What we are aiming at is to give sufficient time for the machinery for conciliation and settlement to come into play before there can be a strike in a service which affects the health or welfare of the community.

Now, Sir, I come to the third part of the Bill which stands on quite a different footing. The proposals which relate to illegal strikes and illegal lock-outs are contained in this part. As I said the other day, these clauses have been more misunderstood than any other part of the Bill. In fact, when we first published the Bill and before its text could even have reached Bombay, I read the pronouncement of a responsible official of an important association, ascribing to the Bill—he was a friend of the Bill—results and qualities which I certainly do not claim for it,

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and I said to myself " Save us from our friends ". These clauses of the Bill render strikes and lock-outs illegal only if they fulfil two conditions. The first is that they must be strikes or lock-outs having an object other than or in addition to a trade dispute within the industry concerned ; and secondly, they must be designed or calculated to coerce the Government. Now, Sir, it is obvious that these clauses do not affect a sympathetic strike as such, because though it may come under condition one, it does not come under condition two, and if we apply it to the great mill strike which has been going on in Bombay we will see that that strike is a strike regarding terms of employment within the industry itself and therefore it is not even covered by condition 1—still less by condition 2. Therefore I am afraid my friend who made these comments in Bombay will be sadly disappointed if he thinks this Bill has anything to do with the strike he was thinking of at the moment.

What we are aiming at is something quite different. We are aiming at the general strike. It was clearly shown when the English legislation was under discussion that what they attempted to do was to put into legal language the conception of the general strike, and as we have copied our provisions practically verbatim from the English Act our object is the same. We feel very strongly that as a general strike is an attack upon society and upon Government, it must fail, and if it fails the people who will lose most by it will be labour, and therefore we contend that these provisions, so far from being hostile, are really in labour's interest. In England the result of the general strike was the dissipation of the resources of the unions and the loss of employment by thousands of men.

12 NOON.

In view of the character of my motion, I do not propose to say any more on the subject to-day except in reference to one point. We have not included in the Bill any provision regarding picketing, and we have done so deliberately. Picketing provisions occur in the English law of 1927, and as the House probably knows, the law in England regarding picketing has had a very chequered history. The pendulum at one time swung in one direction and then in another ; it swung in favour of labour in 1906, and it swung back again the other way in 1927, and, speaking as a layman I find the English law extremely difficult to understand. Now, in India the position is perfectly simple. Picketing as such is not illegal ; picketing which amounts to intimidation as defined in the Penal Code is illegal. I maintain that our law is much simpler and ought to be as effective as the law in England.

That, Sir, is all I wish to say. I only hope that this Bill will be considered dispassionately by every one who is interested in it, and if so, I feel confident that, when it comes back from the country, it will come back with a very large measure of support.

Mr. H. G. Cocke (Bombay : European) : Sir, I am sorry that it is not possible for this Bill to be proceeded with this Session. We in Bombay who have experienced a serious strike for the last six months, which is still raging, have felt the need for a Bill of this nature, and some two months ago the two Chambers of Commerce, the Bombay Chamber and the Indian Chamber, met together, and as a result of that conference, they decided to wire to the Government of India asking that the Trade Disputes Bill, which it was anticipated would be introduced in the September Session, should be published forthwith in order to make it possible for the Bill to become law this Session, if acceptable to the House. Well, owing to delays on account of other measures, it has not been possible to proceed with the Bill until to-day, and I hope it may not prove very unfortunate in the next four months that this Bill has been delayed.

With regard to the general principle, Sir, of this Bill, namely, the establishment of courts of inquiry and conciliation boards, there has long been a feeling, certainly in the Chamber with which I am connected, that it is a great mistake to force any tribunal upon the contesting parties unless they both ask for assistance in settling a dispute. But although these views have been held in the past they are now considered somewhat out of date, and it is thought to be necessary that Government should have the power and the right to step in in the case of trade disputes and set up a conciliation board or a court of inquiry. As the Honourable Mr. McWatters has pointed out, these conciliation boards or courts of inquiry are necessary in the interest of the public, and where the interests of the public are concerned, it is the duty of the Government to find out what the real trouble is. In many cases strikes start on quite petty matters of dispute, but within a week or two long lists of items of dispute are raised and the strike becomes a difficult matter to settle. We still strongly object to the principle of compulsory arbitration, and I am glad to see that no conditions of this kind appear in this Bill.

With regard to the question of picketing, the Honourable Member in charge has pointed out that the existing law is sufficient to deal with this ; that picketing itself is not illegal but picketing accompanied by intimidation is illegal. Well, Sir, there is no doubt whatever that in the Bombay strikes there has been any amount of picketing amounting to intimidation, but the great trouble is to bring the offenders to book. I do not know apart from this why the provisions of the existing law have not been brought into effect during the last few months, because there is no doubt whatever that strikes have been kept alive by intimidation. Strikers are told that if they go to work their women will be molested and their homes will be looted. The trouble is to prove that these things are done and said.

On the subject of public utility companies and the provisions of this Bill which make it illegal for workers to strike without a month's notice, the Honourable Member in charge has pointed out that we are merely copying a provision from Municipal Acts, the Post Office Act, and so on. I think that this is a provision which nobody in this House will complain of. It is perfectly obvious that the public should not be allowed to be inconvenienced by these sudden strikes, and where the workers have a grievance they should give some notice, there should be some interval, before they go on strike. I feel, Sir, that if this Bill had been in existence, the Bombay strike might have come to an end much earlier. I think that is all I have to say at this stage. I hope that when opinions have been received on this Bill, Government will take steps to push the Bill forward next Session with as much expedition as possible.

Mr. N. M. Joshi (Nominated : Labour Interests) : Sir, as the motion made by the Honourable Member in charge of Industries and Labour is for the circulation of the Bill, I do not wish to make a long speech ; but

[Mr. N. M. Joshi.]

I feel that it is necessary to explain to the House the real nature of some of the principles underlying this Bill. The Honourable Member in charge has admitted that the Government of India have been considering this subject for the last nine years, and considering the long time they have spent over this subject, I feel that the result of their thinking for the last nine years is indeed very poor, disappointing and mischievous.

Well, Sir, so far as the Bill is concerned, nobody can say that the Government of India are acting in a hurry. They have already taken a long time. Perhaps they might even say that they ought to have introduced some Bill to provide for a court of inquiry or a board of conciliation much earlier. But I do not agree with my friend Mr. Cocke that, even if this Bill had been in existence, the Bombay strikes would have come to an end earlier. The termination of a strike depends upon the attitude of the parties engaged in that strike, and so far as I can say, if the mill-owners of Bombay had been willing to place their case before a board of conciliation or a court of inquiry, the workers' side would have been ready at any time. Unfortunately, the mill-owners had not the courage to come before a board of conciliation or a court of inquiry for reasons best known to themselves.

Sir, as far as the first portion of the Bill is concerned, namely, that part of the Bill which provides for the appointment of a court of inquiry or a conciliation, I do not see much reason to object to the principle underlying those provisions. When we come to the discussion of details at a later stage, I may have something to say about the machinery which the Government of India have provided. I do not agree with the Honourable Member in charge of Industries and Labour that there is serious objection to the appointment of panels out of which the representatives of labour and the representatives of the employers should be appointed, on the court of inquiry, but I am quite sure the Honourable Member will consider this question when we come to the consideration of the details of this Bill.

Coming to the second part of this Bill which consists of clause 15 regarding public utility services, I feel, Sir, this House and the public outside will not support the Government in their proposals in this respect. It is true that when the Government of India framed their Bill in 1924 they had a provision regarding public utility services although not exactly in the same form which they have adopted in this Bill. I myself do not understand why workers who work in a public utility service should be treated as if they had committed a sin in taking employment in a public utility service. It is the natural right of every worker to withdraw his labour whenever he thinks that he should do so. I do not suggest that his civil liabilities should be taken away, but it is certainly a sign of slavery if you imprison a man for refusing to do work for a master for whom he does not want to serve. (*An Honourable Member* : " He can give a month's notice.") He has a right to leave without giving notice. (*An Honourable Member* : " Why ? ") Well, Sir, I am coming to that. Unfortunately, Sir, this Bill, as framed by the Government of India, is framed at least so far as this clause goes in the interests of the capitalists. It is for that reason that my Honourable friends on the other side are asking " Why ? " I will tell you why. This Bill provides that it is only the worker who must not cease doing his work without notice and, if he does leave his service without notice, he will be sent to jail. But it is not provided in the Bill that if the

employer in a public utility service discharges a man without notice he shall also be sent to jail. (*An Honourable Member* : " That is not the point.") It is on account of that the Honourable Members on the other side are asking me " Why " ? If they once know that if they discharge one of their employees without notice, they will be sent to jail, I am quite sure, they will think twice before they accept this Bill. (*An Honourable Member* : " Hear, hear. ") Sir, in my judgment, in the first place this provision is superfluous. The Honourable Member in charge of the Department of Industries and Labour himself has stated that, so far as Post Office and Telegraphs are concerned, the employees cannot leave their service without notice.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Not the Telegraphs.

Mr. N. M. Joshi : Well, then, the Post Office, according to the Post Office Act.

The Honourable Mr. A. C. McWatters : Only certain classes of postmen.

Mr. N. M. Joshi : But, Sir, the public utility service of the Post Office, so far as necessary, is protected, if protection is at all necessary, by the Indian Post Office Act. Then the Honourable Member also admitted that some of the municipal services are also protected. If that is so, I do not know why this Bill should have been introduced at all. (*An Honourable Member* : " The Railways. ") Well, Sir, so far as the Railways are concerned, I do not think even the Honourable Member has provided in this Bill that all railway work will become a public utility service. Moreover, the Honourable Member said that he wanted to deal with strikes without notice in public utility services. Unfortunately, the Bill is not restricted to a strike. Even if one single individual employee in a public utility service gives up his work without notice, he is liable under the Bill. So, it is not only a strike that is penalised. It is cessation of service by even one single individual employee without notice. And even in that sense the Bill goes too far.

Then, Sir, the Bill, as I had said before, is one-sided. It only penalises cessation of work on the part of the employee. It does not penalise the employer who discharges the employee without notice. It does not penalise an employer who dismisses his employee without notice. But, Sir, even if the Government of India agree to put such a provision regarding the employers in the Bill, I consider that it will not be enough to do justice to the workers. In such cases the workers must be given adequate compensation. It is very easy for the employer to get an employee but, in the case of the worker who loses his job without notice, it is a much greater hardship, especially in a country like India where there is no provision against unemployment. In a country like England things are different. They have got unemployment benefits. If an employee is discharged, for some days at least he will be provided with some benefits if he remains unemployed, but in India, if a man is discharged, it is great loss to him as he may not get another job for a long time. I therefore think that if the Government of India want to introduce such a provision in the Bill they must at least see that the Bill is not one-sided and the one-sidedness of the Bill will not be removed by merely making discharging without notice illegal and by penalising the employer, but some provision must be made to see that the workman is not put to loss. Sir, I can understand the principle that the

workers in a public utility service may be treated somewhat differently, but the treatment should not be only to the disadvantage of the workers. If you want to put certain disadvantages on the workers in public utility services, why not give them some advantages also, namely, that they shall get sickness insurance benefits, unemployment benefits and old age pensions. But what the Government have done is to introduce legislation to the disadvantage of the workers without making any special provision by which the workers will be given any compensating advantage.

Well, Sir, the Honourable Member said that the Bill is based on English legislation, but it is not difficult to show that his Bill is much wider than the English law. In the first place the English law has not given power to the Government to declare any industry as a public utility service. If the Government of India take it into their head, under this Bill the textile industry may be declared to be a public utility service. There is nothing in the Bill to prevent that, because the provisions are so wide that any industry may be declared to be a public utility service. Then the Honourable Member said that in England gas-works, electric works and water-works are treated as public utility services, and workers employed in those works cannot leave their posts without notice. But he has not stated the whole position. Even in England, gas-works and water-works in order to get the benefit of section 4 of the Conspiracy and Protection of Property Act of 1875 must be for the public benefit and the gas-works and water-works must be necessary for the community and not for private purposes. But in the case of his Bill that provision is not made. He makes every gas-works and every water-works a public utility service. Then, Sir, the English Act also provides that a worker will be penalised if he ceases work out of malicious intent and with the knowledge that the consequences of his act would be to cause hardship to the community. The Honourable Member has not made any such provision in this Bill. I know, Sir, that section 5 of the English Act has provided that if a man maliciously and with knowledge ceases work in such a manner as to cause danger to life and to valuable property he may also be penalised, while the notorious Act of 1927 has also brought in hardship to the community as a justification for the application of section 5 of the Conspiracy and Protection of Property Act. But, Sir, the Honourable Member in charge of Industries and Labour ought to have told the House that section 6 of the Act of 1875 also imposes responsibility upon employers. If the employer does not provide food where he is bound to provide food and other necessaries for the worker's health, the employer also will be penalized. The English Act is not one-sided as this Bill is. I feel, Sir, he ought to have told this House that the English Act throws some responsibility on the employers also. In this connection I would like to suggest to Government that they ought to have taken into consideration, if they wanted to throw greater responsibility on the workers in public utility services, the legislation which exists in Canada. Not that I approve fully of the Canadian legislation of 1907 ; but certainly that legislation may be said to be fairer than the legislation which the Government of India have introduced. In Canada by the Act of 1907 no doubt a strike is compulsorily postponed. No worker can go on strike without notice or till an inquiry is made. But, on the other hand, by section 6 of that Act the Government also is bound, when an application is made that a dispute is threatened, to make an inquiry. That would give the workers in public utility services some advantage. Let the Government be bound to make an inquiry into the grievances of the workers or into the grievances of employers for that matter, if a strike or dispute is threatened. That is an advantage given to the workers by the Canadian legislation. Section 54 of the Canadian Act prevents an employer from reducing wages or making a change in the conditions of service, such as, hours of work, without notice. This Bill makes no such provision. I submit that if you want to put some disadvantage on the workers in public utility services, you must also give them some advantages. It is wrong, therefore, to introduce clause 15 of this Bill, which is one-sided, and throw the burden of maintaining the public utility services only on the workers. Sir, I do not wish to say anything more on this clause. In regard to clause.....

Mr. President : The Honourable Member cannot take clause by clause of the Bill at this stage. He knows that the Honourable the Industries Member has not asked the House to accept the principle of the Bill, and at this stage speeches should be short and to the point.

Mr. N. M. Joshi : Sir, I am not taking clause by clause. Unfortunately the Bill has three or four important principles. The first.....

Mr. President : The Honourable Member is not asked to accept the principle of the Bill. This is a motion for circulating the Bill for eliciting public opinion and no one commits himself to the principle of the Bill by accepting it.

Mr. N. M. Joshi : Well, Sir, I am not fond of making speeches. (*Several Honourable Members* : " Question ? ") I say, I am not. The Honourable Member in charge also made a speech. If he had restrained himself I would not have risen from my seat.

Lastly, Sir, the Government of India have followed the panicky legislation of 1927. The Honourable Member said that that legislation is intended to make general strikes illegal. In the first place, I do not understand why even a general strike should be made illegal. To strike is the natural right of every working man, and why should any human being be penalized for refusing to do work ? But leaving that question, Sir, the Bill, as framed by the Honourable Member, is not restricted to general strikes only. The first part of clause 16 says that if a strike has an object other than the furtherance of a dispute in one industry and also causes hardship to the community, it is an illegal strike. Now the Honourable Member has not defined what one industry means, whether, for instance, the transport industry includes railways, tramways, motor services, etc. Are all these to be taken to mean one industry ?

The Honourable Mr. A. C. McWatters : On a point of order, Sir, is not that a point for the Select Committee, whether you can define your industry ?

Mr. N. M. Joshi : I am just trying to show that your Bill does not apply only to general strikes. Nobody knows really what one industry is. Take the textile industry. Does the textile industry include jute as well as cotton and silk and wool ? It is very difficult to say. Therefore, the Honourable Member must admit that what he is penalising and making illegal is not a general strike, but an ordinary sympathetic strike. I therefore think that this Bill penalises sympathetic strikes. It says that the strike must have an object different from the furtherance of a trade dispute.....

Mr. President : Order, order. I do not wish to interrupt the Honourable Member ; but I hope he will co-operate with the Chair and make some distinction between a motion for Select Committee and a motion for eliciting public opinion.

Mr. N. M. Joshi : I am not going to take more than five minute. He must admit that the clause as worded can be applied to strikes which are not general. Then he says " strikes which cause hardship to the community. " Almost every strike causes hardship to the community. Who is to decide whether the hardship is so great that the strike should be made illegal or not ? I do not know any strike which does not cause some hardship to the community. Therefore, this Bill gives power to Government practically to make any strike illegal ; this does not make only general strikes illegal ; but whenever Government please, they can make any big strike illegal. Then, Sir, Government have provided by certain clauses to protect people who are called " black legs ". If the whole body of workers sanctions a strike, some people who ought to join but who do not join are given protection by the Government against the action that may be taken by unions. In this connection I want to make only one remark and it is this. In the first place, what Government have provided by these clauses is unnecessary interference into the working of trades unions ; and secondly the Government of India are somewhat unfair upon unregistered trade unions. Some days ago we discussed the question of registered trade unions and unregistered trade unions and the Government of India and many Members here did not like to recognise the existence of unregistered trade unions and I want to know why the Government should in this Bill recognise the existence of unregistered trade unions. They are giving protection to black-legs, not only to those who are members of registered trade unions, but to those who are members of unregistered trade unions also. I therefore suggest to the Government of India that they should not take notice of unregistered trade unions for this purpose as they did not recognise their existence for giving immunities provided by the Indian Trade Unions Act to registered trade unions.

Sir, I do not wish to speak any more. I feel that the Government of India have done a wrong thing in mixing up a portion of the Bill which may become acceptable to the workers in this country and some portions which can never become acceptable. If they want some Act providing for conciliation and enquiry, they must introduce two Bills ; but if they try to secure the consent of the House by mixing up a part which may be acceptable with a part which is unacceptable, I think, Sir, the Government of India will be disappointed.

Mr. T. Gavin-Jones (United Provinces : European) : Sir, I am very glad to hear that the Honourable Member for Industries proposes to circulate this Bill, for undoubtedly it requires very careful consideration before being passed ; in fact I have received a telegram from the Upper India Chamber of Commerce protesting against the Bill being rushed through. No one, I think, will oppose the principle of a Trade Disputes Bill. Similar legislation has been put through in other countries, particularly in Canada, Australia and England, and has been most beneficial. But we must study these Acts very carefully before we apply them to India, and, as far as I can see in the present Bill, the English Acts have not been sufficiently carefully considered. It is essential that this Act should be framed so as to work smoothly and be effective, and I will refer the Government to one or two clauses in the Bill.

It is not clear in clause 2 (*c*) whether the interpretation of " employer " includes a private employer ; we think that it should do.

In clause 2 (*f*), the interpretation of " public utility service " does not include tramways and inland steamer services. These were included in the draft Bill which was circulated in 1924 and we do not know why they have been excluded from this Bill. We think they are important public utility services and should be included.

Clause 3 contains the kernel of the Bill and proposes to refer to Courts of Enquiry or Conciliation Boards. It says :

" If any trade dispute exists or is apprehended between an employer and any of his workmen, the Local Government, or where the employer is the head of a department under the control of the Governor General in Council or is a railway company ''....

The Local Government or the Governor General in Council shall take the initiative ; he may (*a*) refer the dispute to a Court of Enquiry or (*b*) refer the dispute to a Board of Conciliation. Then in clause 9 and subsequent clauses judicial powers are given to both the Board of Conciliation and the Court of Enquiry. There is here, Sir, a serious confusion between the functions of the Board of Conciliation and that of the Court of Enquiry. They are bodies appointed for two entirely different purposes. The Board of Conciliation cannot function without the consent of both parties and if both parties consent, all the evidence will naturally be forthcoming from both parties. The Court of Enquiry on the other hand is appointed for obtaining information about facts, and judicial powers are necessary. For the Government to intervene in a dispute on its own initiative and compel the parties to appear and produce witnesses before a Board of Conciliation is contrary to all the ideals and principles of conciliation. A Board of Conciliation must arrange matters by mutual consent. We think, Sir, that the Bill here should follow closely section 2 of the British Industrial Courts Act, 1919, whereunder a Minister can take action, first : On the report of one of the parties ; second : By the consent of both parties ; third : Refer the matter for settlement to the Industrial Court ; 4h : Refer the matter for settlement to the arbitration of one or more persons appointed by him ; or, 5th : Refer the matter for settlement to a Conciliation Board by the mutual consent of both parties. Sir, I think if this clause is entirely recast and the above section is closely followed, this Bill will work smoothly and be more effective. There are other points in the Bill, which require amendment, but I will not take up the time of the House with them now.

I appeal to the Government to consider these points carefully and to recast the whole Bill before bringing it before this House again.

Sir, I support the motion.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indian) : Sir, representing as I do a class of people who are largely employed in the various utility services, I desire to offer a few remarks on this Bill before it is put in circulation. I am glad Government intends circulating it, for there is no doubt that a Bill of this nature cannot be rushed through without adequate and careful consideration.

While on the one hand I am not in favour of any law that makes for suppressing the rights of the labourer, I refuse to subscribe to any policy that gives unlimited scope or power to the employer. Sir, I am in agreement with this Bill from clauses 1 to 14. I consider that the

[Lieut.-Colonel H. A. J. Gidney.]

institution of Conciliation Boards will have a very beneficial effect on all labour disputes, and I think that the Honourable Mr. Gavin-Jones brought forward some important points in connection with these Conciliation Boards. One is tempted to ask what is the necessity for this Bill ? It seems to me that, had Government, a few years ago, realised the importance of such Boards, Committees or Arbitration Councils as one finds in England, *e.g.*, the Whitley Committee and other Committees of the like nature, such a Bill would never have been necessary in India to-day. I remember the time very well—I take my memory back to 1917, only 11 years ago—when an extensive strike took place on the Great Indian Peninsula Railway. Matters reached a deadlock, the dispute was eventually referred to arbitration, and the arbitrators decided in favour of the strikers. In those days there was give and take between employees and employers, and trade disputes and strikes were, as a rule, settled by arbitration ; to-day it seems that Government find it necessary to introduce a Bill of this nature to settle them. Why ? Is Government entirely blameless ? As I said just now, I am in favour of clauses 1 to 14, but not of clauses 15 and 16, and here, to a certain extent, I take my stand with my friend Mr. Joshi. (Opposition Cheers.) As I read through clauses 15 and 16 and the following ones, two conundrums present themselves to me. One is : " When is a strike not a strike ? " The answer, according to this Bill, seems to be : " When the employer is affected." The other is : " When is a strike a strike ? " Answer : " When the employee is affected ". I do think that to put a Bill like this into operation, especially clauses 15 and 16, is not only to limit but to interfere with the freedom of the employee. As Mr. Joshi rightly pointed out, why should the employer only have the right of dismissing a servant, may be at the beginning or the middle of a month, giving him a month's pay in lieu of notice, and at the same time depriving the man of his overtime ? Surely the employee cannot be denied an equal right, if he is prepared to forfeit his month's pay. He cannot be denied this by ordinary law, but this is exceptional law, to serve a special purpose. The House spent four long days in trying to prevent India painting itself red. It seems to me that these clauses should more appropriately have been embodied in that Bill—The Public Safety Bill. (*An Honourable Member* : " Nonsense ".) It may seem so to you, but not to me because for almost similar offences in the one Bill you deport the European British subject while, in this Bill, you desire to fine or imprison the Indian British subject.

Now, Sir, I would like to read to the House, Sir John Simon's opinion on the right to strike. This is what he says :

" That the strike properly understood was perfectly lawful. It was an essential part of the right of the British wage-earner that he should have a right to strike and that right ought never to be taken away from him, nor would any of those who really appreciated the character of British traditions really wish to take it away. But the regulation by the Trade Union Executive to call out everybody, regardless of contracts which the workmen had made, was not a lawful act at all."

I am in agreement with the principle that in the case of a general strike, in which various utility services strike together, legislation of a special nature might be necessary and might be put into operation, but to include in this Bill individual utility services, *e.g.*, Postal, Telegraph, Customs, Railway Services, etc., is to deprive a body of workmen of their right of defence of their economic rights, and

for this reason I do think that Government will be ill advised to include these two objectionable clauses. I however certainly do agree that those agitators who go about the country with impunity, fomenting strikes, sowing seeds of disaffection or Communism among workmen, should be dealt with summarily, but why should illiterate, innocent, misled workmen be subject to such drastic action ? If a clause were put into this Bill that the ringleaders of strikes should be seized, tried and punished, it would be more deterrent and would receive my approval. There are certain people in all communities, well known to Government, who are ringleaders of strikes, who foment strikes for their personal ends. Well ! I say, keep an eye on them and punish them without fear or delay, but do not punish the employee who has every justification, should he resent an unjust punishment, to refuse to work. He should not be forced to work against his wishes or will. He should not be deprived of his citizenship rights or a legitimate weapon of economic defence.

The Honourable Mr. A. C. McWatters : I should like to draw the Honourable Member's attention to clause 17 (*1*), second part, which reads :

" Provided that no person shall be deemed to have committed an offence under this section by reason only of his having ceased work or refused to continue to work or to accept employment."

The clause as drawn up does not apply to ordinary strikers, but only to the ringleaders and those who act in furtherance of a strike.

Lieut.-Colonel H. A. J. Gidney : Clause 15 gives Government power to punish any individual who strikes in an utility service, with one month's imprisonment or with a fine of Rs. 50, and any one who aids and abets him in such an offence with three months' imprisonment or a fine of Rs. 500. This I absolutely disapprove of and speaking for my community we shall not agree to this section. I approve of the Bill as far as clauses 1 to 14 are concerned, but I certainly do not approve of the Bill as far as clauses 15 and 16 are concerned. I therefore strongly advise Government to amend these clauses or to add some provision which does not deprive any workman of his right to strike.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, I agree with the Honourable Member in charge of the Bill that the public are equally interested in these strikes which are bound to exist so long as there is this eternal competition between capital and labour. I cannot, however, congratulate the Government on the provisions made in this Bill. It appears to me that the labour point of view has not been given that attention which it deserves ; and some of the provisions, especially part 3 of this Bill, are so much against the growth of labour organisations in this country that I would advise the complete deletion of part 3 of the Bill ; and in getting this Bill circulated I would offer the suggestion to the Honourable Member in charge that circulation should not in this case be confined to the stereotyped list of bodies and associations, to which Bills are usually circulated, but should also be circulated to all Trade Unions, all railway employees' unions, postal unions, and other similar organisations. It is then that we will have ideas of what they think of this Bill.

So far as the provisions are concerned, I have no doubt that there have been demands for arbitration boards for some time past. But the

[Mr. M. S. Sesha Ayyangar.]

question is whether the courts of inquiry and the boards of conciliation which this Bill provides for are really the kind of arbitration boards which labour would have. For these boards to act successfully as arbitrators, the imperative necessity is to make them sufficiently impartial so that they might give satisfaction *prima facie* to both parties to the dispute, and especially in the case of State railways ; where the State happens to be the employer it will not enhance the impartial nature of these arbitration boards or these conciliation boards to make the Government the appointing agent of these boards. Labour must be given a chance as to the choice of some of those that might sit on these boards ; otherwise it would not give them satisfaction. The recent South Indian Railway strike seems to be in point as an illustration of what I say. I have been closely following the movement of the South Indian Railway employees' association. The South Indian Railway Agent wanted to give effect to a certain policy of retrenchment which he had in view. Certainly that necessitated some inconvenience to the employees concerned. The employees made known to the Agent their demands and asked for redress. There was not that quick and sympathetic response which was expected of the Agent in such a case. The Agent remained indifferent and then the employees applied to the Agent asking for the matters of difference between the employees and the employers to be referred to the arbitration of the Labour Commissioner. Sir, we have got such a functionary as the Labour Commissioner in Madras. They wanted that the matters in dispute should be referred to the Labour Commissioner. Then also there was no response and then they took the step of reporting the matter to the Labour Commissioner directly, asking him to intercede and to arbitrate. The Labour Commissioner remained indifferent. And as a last hope, the employees applied to the Government direct asking them to intereede in the matter and to see that their grievances were redressed. The Government was equally indifferent. What could they do in those circumstances ? They despaired of moving the South Indian Railway authorities to redress their grievances and consequently they had recourse to a strike. I ask the Honourable Member in charge of the Bill what provisions he has made in this Bill which would apply to the conditions that I have just enumerated. What are the provisions in the Bill which would have enabled the South Indian Railway employees in those circumstances to take the initiative of insisting that their matters of difference should be settled by an arbitration board ? So, I submit that clause 3 of the Bill ought to be so amended that the employees also are given a voice in the matter not only of the choice of arbitrators but also of the mode of reference to these boards.

One other matter which I seriously take objection to is this. I see in clause 13 that provision is made to keep secret the enquiries that these courts of inquiry and the conciliation boards have to undertake. Now, what is the secrecy in matters of dispute that are openly referred to these courts of inquiry ? Why should anything be kept confidential ? Why should an enquiry be held in secret ? Clause 5 says :

" A court shall, either in public or in private at its discretion, inquire into the matters referred to it and report thereon to the authority by which the court was appointed."

I submit that the secrecy provided for in clause 5 is entirely out of place. Again when certain documents are placed before conciliatory boards, it is also laid down that the documents referred to by those courts ought to be kept confidential. That certainly would not enhance the prestige of the enquiry that is sought to be made by these boards. As I have already said, part 3 deserves complete deletion for this reason ; because in the Statement of Objects and Reasons it is said that these provisions were copied out of the British Trade Disputes and Trade Unions Act, 1927. But the Honourable Member in charge of the Bill must remember that we are called upon to deal with a different stage of development in the industries of this country. In this country, industries are more or less in a stage of transition and labour organisations are not so well developed and equipped in India as they are in England. So, it is no use transplanting or incorporating the corresponding provisions in the Trade Unions Act of England into Indian legislation and making them applicable wholesale to the trade unions and labour organisations in this country.

One other anomalous provision that is made here is to give a premium to the black-legs of trade unions. Special provision is made to encourage black-legs. These black-legs are made immune from punishment for disobeying the orders of trade unions. Here I see the policy of divide and rule and this policy is made specially applicable to this category of employees. I submit that that is also a matter which has to be taken into consideration and this provision also must be deleted.

With these remarks, I submit that, if the Bill goes out for circulation, and public opinion is obtained on its provisions, I would reiterate my request that trade unions and labour organisations should be specially invited to give their opinions on this Bill.

The Assembly then adjourned for Lunch till Half Past Two of the Clock.

The Assembly re-assembled after Lunch at Half Past Two of the Clock, Mr. President in the Chair.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, I welcome this Bill and I also welcome its circulation in the country. Sir, I do not like strikes. Strikes hold up the ordinary business of the country and bring in great suffering to the people. They do not bring any dividend to the investor who has invested his money to capitalise an undertaking. Nor do they bring labour any apparent profit or advantage. As we have found recently during the strikes in this country, labour has had to go without its wages for months at a stretch. Sir, I was very much surprised to hear the interpretation which my Honourable friend Colonel Gidney gave to the word " strike ". He quoted one eminent authority with whom I am also acquainted, and if Colonel Gidney had gone a little further and read one or two lines more from that authority he would have seen what the Right Hon'ble gentleman really thought of strikes. I will just quote those two lines from Sir John Simon's speech in the House of Commons in 1926. He said :

" Every workman who was bound by a contract to give notice before he left work and who, in view of that decision, has either chosen of his free will or felt compelled to come out by leaving his employment without proper notice, *has broken the law.*"

[Mr. B. Das.]

When an employee or workman breaks a contract, I think, Sir, he has broken the strike law. Colonel Gidney was not right to say that anybody can bring off a strike.

Mr. N. M. Joshi : Why do you quote a Liberal ?

Mr. B. Das : I think I can quote a Liberal if he meets my point, but I will quote your own Labour leaders too by and by. I am coming to that. My Honourable friend Mr. Joshi, for whom I have the highest respect, is the advocate of labour in this House. I have every sympathy with labour's claims ; but when labour tries to hold up the trade of the country and paralyses industries I have no sympathy with it. My Honourable friend Mr. Joshi talked of two things and he advocated that there should be general strikes and sympathetic strikes in this country. If this Bill is passed into law, it will put a stop to general strikes and sympathetic strikes. With your permission, Sir, and with the permission of the House I shall quote two eminent Labour leaders' views about sympathetic strikes and general strikes, and I hope Mr. Joshi will agree with them. I now read a passage from a speech of Mr. Cramp, the Industrial Secretary of the National Union of Railwaymen who expressed his view on the General Strikes. This is his view :

" There would not again be a general strike of that character. He did not believe that the general industrial strike could ever be carried out effectively, because if they carried it to its logical conclusion they starved and paralysed themselves as well as everybody else."

I hope my friend Mr. Joshi will accept the statement of Mr. Cramp. Then I have another authority on the sympathetic strike and that gentleman happens to be no less a man than the Leader of the Labour Party in England and a man who is held in very high esteem in the labour world of India—I mean Mr. Ramsay Macdonald. Mr. Ramsay Macdonald wrote in April 1924 :

" All my life I have been opposed to the sympathetic strike. It has no practical value. It is simply beating the air. It has one certain result—a bitter and blinding reaction."

Sir, India is not such a country of agitators that we can think of general strikes and sympathetic strikes.

Sir, as regards this Bill I wish to say that there should have been two Bills and not one Bill. Clauses 1 to 14 of this Bill are already long overdue and many of us on this side of the House expressed that view, that there should be conciliation boards to settle trade disputes specially when you, Sir, were a Member on the floor of the House you wanted such a measure to be introduced in connection with the first Steel Protection Bill whereby disputes between Tatas and their employees could be settled at Jamshedpur, I think the Government have taken a long time to bring this Bill about conciliation boards, etc., before us. My Honourable friend, Mr. Joshi, suggested that there should be panels from which the arbitrators should be chosen. I entirely agree with him and my views are that the trade unions should be allowed to nominate a certain panel and that the Chambers of Commerce and the employers should be allowed to choose a certain panel from which the Government of India in the Industries and Labour Department may choose a particular arbitration board. I wish the other clauses of the Bill which apply to the sympathetic strike could have been introduced in the form of another Bill.

What are the Government trying to do ? The Government are trying to embody legislation of Parliament which was embodied in three of four Acts in the House of Commons. One, to which my friend Mr. Joshi referred, was passed in 1875, one in 1906, and a third in 1926. If the Government in England took all that time to create the proper atmosphere, we cannot expect that India can have the same experience as the House of Commons or as the Labour Party in England, and England took a period of fifty years to acquire knowledge to frame her legislation. I suggest that Government should not introduce such penalising clauses as have been introduced in clause 15, 16 and 17, and I think after this Bill comes back from the country we shall have to see whether we cannot modify these provisions about the illegality of strikes and the penal clauses relating to those who promote strikes to suit the conditions of the people in this country.

Sir, I have to make one more reference to my friend Mr. Joshi. Strikes are not a pleasant thing. They are causing a lot of hardship and lots of people are starving on account of these strikes. The people who bring about these strikes always ask for more wages even though a particular industry cannot bear the extra charges on it. Let me make it clear. I do not desire the capitalist to profiteer nor the Labour to exploit. I would like an adequate share of the profits of an industry to go to all the employers, and the employees and also the section to which I belong—namely, brains. Surely those people who advocate strikes ought to consider how much an industry can stand in the way of wages to workers. I hope the workers before they go on strike will see that the particular industry can stand the wages which they demand. That is a thing often forgotten by the labour world and it is the cause of many of the strikes that the country has to face. I do not believe, Sir, that there are any Bolsheviks or Communists behind these strikes ; but at times I believe that there are unknown men who want to blossom forth into full-fledged leaders and they are responsible for these small and big strikes all over the country, and I say that those who are responsible for the condition of our labour in this country should see that such mushroom leaders do not thrive in the labour camp and that they are not allowed to bring about unnecessary strikes that cause so much harassment and trouble to, at times, millions of people and that incapacitate our industries and incidentally reduce the national wealth of the country.

Mr. Fazal Ibrahim Rahimtulla (Bombay Central Division : Muhammadan Rural) : Sir, I rise to record my protest on the motion before the House. I thought Government were anxious to settle the strike at an early date ; but looking at the motion before the House I do not think the Government have at all considered the recommendations sent by the Bombay Government, nor the strikes that are going on now in the Bombay City. I do not know, Sir, what tangible reason Government have advanced for bringing in a dilatory motion and forcing this House to accept it ; because looking at the Standing Orders one finds that it is impossible for any non-official Member to bring in a motion for a Select Committee, if Government bring forward a motion for circulation. I wish, Sir, Government had brought forward the motion which they originally intended for a Select Committee and left it to the House to decide which motion they preferred. Sir, the only reason that the Honourable Member for Industry and Labour has advanced is that there is no time. Now, we wish

[Mr. Fazal Ibrahim Rahimtulla.]

to know who is to blame for it. Why should Government have decided to have such a short Session of three weeks when two important Bills were before the House ? Government know from their past experience that in a House of 144 Members, each party and men who wish to express their opinions on the Bills must speak, and necessarily therefore that involves time ; and I would like to know from the Honourable Member for Industries and Labour why he did not think it proper to request Government, in view of these two important Bills coming before the House, to have the Session prolonged. Sir, I consider this Bill to be more important than the Bill which will be debated on Monday next, the Public Safety Bill, for this reason that the commercial community, both European and Indian, in Bombay had sent a wire and requested the Government not only to publish the Bill but to take immediate action and bring up this Bill. The Honourable Member for Industries has told that the Government of Bombay made a representation to them as far back as 1924 ; and still the Government of India have not thought it proper to bring forward a motion for Select Committee. I think, Sir, Government should realise the responsibility which they are taking by prolonging a measure of this importance.

As regards the point made by my friend, Mr. Joshi, that the labour leaders were anxious for a conciliation board or for conciliation, but that the millowners did not come forward in the manner they liked, I would like to reply to him by the speech which I will just read of Mr. J. B. Petit, the Chairman of the Bombay Millowners Association, delivered recently in Bombay :

" For our part,"

he continued,

" we have done everything we could to end this deadlock. Those who have followed the long negotiations for the setting up of a conciliation board would testify to the sincere anxiety of the owners for a fair and just settlement. But on every occasion it is the strike leaders who, after securing the maximum concession, broke away by insisting upon impractical demands. We agreed to the conciliation board; we agreed to the terms of reference ; we agreed to the inclusion among them of the consideration of all the 17 demands. The essential preliminary of all efforts at conciliation is the suspension of all bellicose activities. This the strike leaders would not agree to, except on impossible conditions."

I hope my Honourable friend, Mr. Joshi, will realise that if he agrees to a conciliation board he cannot continue the strike for that period.....

Mr. N. M. Joshi : May I put a question to my Honourable friend ? Is it provided in the present Bill that strikes must be suspended before the court of inquiry or a board of conciliation is to be appointed ?

Mr. Fazal Ibrahim Rahimtulla : It is provided here to make the strike impossible by giving notice to the owners that you are going to strike....

Mr. N. M. Joshi : I am afraid you have not read the Bill.

Mr. Fazal Ibrahim Rahimtulla : So that those owners who know that there is going to be a strike can find other men to take their places.

Mr. N. M. Joshi : It is not laid down here that every strike is illegal.

Mr. Fazal Ibrahim Rahimtulla : No ; but it is made penal.

Mr. N. M. Joshi : It is not.

Mr. Fazal Ibrahim Rahimtulla : Of course it is. I hope Government will explain, apart from the reason that they have given, namely, that there is no time, the responsibility they have taken in asking this House to accept a dilatory motion.

Mr. Varahagiri Venkata Jogiah (Ganjam *cum* Vizagapatam : Non-Muhammadan Rural) : Sir, the Honourable the Mover of this Bill in speaking on the Public Safety Bill stated that Labour was in its infancy, that it wanted the protection of the Government and the Government would therefore not only protect it against outsiders, but also against itself. This shows that Government wants to treat Labour as an incapacitated person and to constitute itself as its trustee. This rôle of trustee is not new to us. Government constituted itself the trustee of India and Indians so long ago as 175 years back, and it still continues to consider Indians as perpetual minors. Government, Sir, now threatens to assume this rôle with respect to Labour. Indians, I must submit, can no longer be deceived by such assumptions and Labour might very well say, " Save me from such friends ". If, for this statement of mine, any justification were necessary, the Bill before the House affords ample proof.

The intention of this Bill is said to be to further the interests of Labour. But, Sir, I find that the Bill would help the Employer and not the Labourer at all. It places many impediments in the way of Labour, while creating facilities for the Employer. The Bill, I may characterise, Sir, without any exaggeration, as very reactionary and mischievous. In my opinion, no mending of this Bill will set matters right ; if, really, it is to be of any use to the public, it must be ended or it must be completely overhauled or another Bill with a better and more liberal spirit should be conceived and introduced in this House.

The object of this Bill is stated to be to prevent strikes and to settle trade disputes. To give effect to the objects of this Bill, certain tribunals are to be brought into existence.

The Bill makes provision for Government being the sole judges for determining if these tribunals should or should not come into existence ; and when these tribunals are brought into existence, the appointing authority is made the Government itself, and what are these judges to do, when they are appointed to these tribunals ? They are not to decide trade disputes finally between the parties, but they are merely to make recommendations or reports to Government on which the Government might or might not act, at its pleasure.

It is a well-known fact, Sir, that in this country the Government is the largest Employer of Labour. It owns almost all the Railways in this country, and the trade disputes are, generally, between the Government as Employer and the Labourers as Employees. In countries where the Government is not an Employer, there is at least some justification for Government taking upon itself the duty of appointing judges to these tribunals. In these circumstances, Sir, in a country like India, the decisions or the results of the inquiry by these tribunals will be suspected to be foregone conclusions. The chief drawback of Government appointing judges is that it is Government. As a rule, Sir, in almost all countries the Government commands the confidence of Employers more than that of Labourers, except in countries such as Australia where the Government is controlled by Labour. In spite of these disadvantages,

[Mr. Varahagiri Venkata Jogiah.]

Sir, I admit there can be no better agency than Government to bring into existence machinery to settle these trade disputes considering the resources, information and facilities it commands. In the circumstances, Sir, we cannot help accepting Government agency as an inevitable evil. The only thing to be done therefore is to try and minimise the evils that attend upon Government being the agency for bringing these tribunals into existence. This can only be done, Sir, by making these tribunals altogether free of Government control and making them not subordinate to but independent of Government. This can be done in several ways. One of the ways is.....

Mr. President : These are matters of detail. The Bill is going to the country. It is not going to the Select Committee.

Mr. Varahagiri Venkata Jogiah : Sir, I am making certain suggestions so that the public may give expression to their views on these suggestions.

Mr. President : You are a member of the public.

Mr. Varahagiri Venkata Jogiah : Then, Sir, as has been pointed out by my Honourable friend, Mr. Sesha Ayyangar, there are other provisions of this Bill which are very dangerous. For instance, the Bill makes provision for these tribunals to make inquiries in private, that is, confidential enquiries. This provision, Sir, especially in the present state of conflict between the Employer and the Employee will be considered very dangerous and it should be very strongly opposed.

There are also other powers, which this Bill gives to these tribunals, such as those of adjourning their proceedings with a view to effect compromises. This is a provision, Sir, which is detrimental to the interests of labour, because this makes the proceedings dilatory, and it would affect the Labourers more than the Employers, because it would starve the Labourers and they cannot stand the prolonging of these proceedings.

Then, with regard to the public utility service, provisions that have been incorporated in the Bill, I would like to say only one word. These are altogether one-sided. As has been pointed out by my Honourable friend, Mr. Joshi, while it provides penalties for giving up service without notice, or without permission, so far as the Employees are concerned, it provides no penalties for the Employers. There is not one word breathed, in any part of the Bill, about the right of Employees to be allowed to work, unless dismissed, after due inquiry or for proved misconduct.

The penal provisions, Sir, which are embodied in this Bill again are of a very dangerous character and give arbitrary powers to Government and leave a very wide door open to harass and punish disinterested public workers in the cause of labour. I wish to make only one other observation with respect to the provisions in the Bill. Sir, with regard to the provision of admitting " black-legs " into the Unions, the Bill provides, in fact insists, that persons failing to abide by the decisions arrived at by Unions should be admitted into the Unions. I submit, Sir, this will give free scope for Government spies and Employers' agents to swarm into these Unions and to sabotage their growth.

With regard to this Bill being copied from the Trade Disputes (Amendment) Bill that was lately passed in Great Britain, I may say, Sir, that Labour is in its very infant stages in this country, and therefore all the provisions that were passed in Great Britain should not be copied and introduced here. Further, there is a great difference between Great Britain and this country with regard to Labour. As I have already pointed out, Sir, in this country Government itself is, to a large extent, the Employer, whereas in Great Britain and other countries the case is different ; therefore there is no analogy between the conditions prevailing in Great Britain and this country in that matter.

I have, in these circumstances, no hesitation in saying that this Bill is a deliberate and unjustifiable attack on the elementary rights of Labour. In this connection I am glad to observe, Sir, that the Chamber of Commerce of Calcutta has lately passed resolutions condemning this Bill.

Sir Pushotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I want to say a few words in connection with the remarks that fell from my Honourable friend Mr. Cocke this morning. It is quite true that the Indian Merchants' Chamber, Bombay, coupled with the Bombay Chamber of Commerce did send a wire to the Government of India hoping that this Bill would be published immediately and that it might be possible for Government to see the Bill through this Session. The point, however, to remark is—and that is why I claim the attention of the House for a few minutes—that at that time we did not know that the Bill had been drawn up in the manner in which it is before the House. My Chamber felt that this Bill would be on the lines of the Bill circulated by the Government of India in 1924, and the third part of the Bill against which we have heard so much from Mr. Joshi, Mr. Jogiah and others, my Committee were not aware, would form part of this Bill. Obviously, if the Government of India want to include in this Bill these clauses which are highly contentious, it is only right that the Government of India should circulate the Bill and not consider it in this Session.

3 P.M.

Sir, my Chamber are anxious that there should be devised some method of putting an end to these labour strikes and differences, but the Government of India have, if I may say so, a great knack of trying to close the stable door after the horse has flown. Strikes have been and are on and one does not know what may not happen during the next few months. I really wonder why the Government of India think it necessary to put in this Bill, some parts which make the Bill a highly contentious one. The position of my Chamber can be summarized as follows :—Legislation regulating industrial disputes is long overdue, but they were anxious that such legislation will help in the prevention of such disputes and not be the cause of either repression of or injustice to the working class. I hope that when the Bill comes back to this House after being circulated, the Government of India will be able to devise some method by which the non-contentious, or the least contentious part, of the Bill may pass through the Legislature and the rest may be discussed at leisure.

The Honourable Mr. A. C. McWatters : Sir, I have no intention to reply to the various points that have been raised by the earlier speakers,

[Mr. A. C. McWatters.]

because most of them I think are points which can very well be discussed in Select Committee. Many of them are interesting and some of them are important, but I think the time for discussing them is not now. There is one point, however, which is directly relevant to the motion for circulation which was raised by my friend Mr. Sesha Ayyangar, and that is that we should take special steps to see that in the circulation of this Bill it should be brought prominently to the notice of the trade unions and other similar bodies who are directly interested, and my friend Colonel Gidney raised a similar point about the Anglo-Indian and Domiciled European Association. Well, Sir, I think I can say that while we employ the ordinary machinery of circulation, I shall certainly do my best to see that Honourable Members' wishes are followed in these matters by special instructions to Local Governments. That, Sir, is all I wish to say.

Mr. President : The question is :

"That the Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes, be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE DANGEROUS DRUGS BILL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move that the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations, be circulated for the purpose of eliciting opinions thereon.

Sir, the Bill, though it looks bulky, is really a simple one. Its objects are two-fold, firstly to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs, and secondly to increase and render uniform throughout British India the penalties for offences relating to such operations. As mentioned in the Statement of Objects and Reasons, the measure is intended to implement certain obligations undertaken by the Government of India by ratifying the Geneva Dangerous Drugs Convention of 1925.

Sir, I move.

Mr. C. Duraiswamy Aiyangar : Sir, I have no desire to interrupt the course of business in this House by any lengthy speech, but I wish to state a few points with reference to this matter. I find, Sir, that this Bill is already a highly belated Bill and still the Government indulge in making a dilatory motion also. It has been the unfortunate lot of this country that from the very beginning Government have been persisting in their policy relating to opium and dangerous drugs more actuated by considerations of revenue than by considerations of the health and morality of the country. Sir, I do not propose to go into the old history at this moment, because I have on several previous occasions discussed before this House the ancient history, and to bring it up to date it is

beyond doubt that this Government have been so obstinate with reference to their policy relating to opium that they have never attempted to recede a step from it. Sir, the most unfortunate thing for this country was that, while some attempts were made by philanthropists in England to bring this Government of India into a state of morality and ethics towards their people and subjects, the unfortunate Commission of 1893, the Royal Commission, came with the object of settling matters and dictating certain principles to this Government. But then my Honourable friend's predecessor in office, Sir David Barbour, put a strong spoke in the wheel and pulled the Commission by the nose with his cry of 6 millions of revenue from opium, and therefore it was that the recommendations of the Commission, which were expected to be favourable to this country, became most unfavourable and most unfortunate. But, Sir, luckily for the world at large and for this country in particular, the League of Nations came in and began to agitate this question over and over again, and, while all the other nations represented in the League were in favour of bringing opium consumption to such a state that nothing but quantities needed for medical and scientific use should be allowed to be manufactured. This country represented by its British delegation which I once before remarked only plays second fiddle to the British delegation from England, put so many obstructions that until it was absolutely diluted they would not give their consent to it. In this course, Sir, they have on various occasions before the League of Nations never spared the leaders of this country and slandered them to the utmost. They have slandered Mahatma Gandhi ; they have slandered other political leaders of this country, by saying that they never once objected to the opium policy of the Government of India. Sir, Mr. Campbell dared to make some such statement which was cabled here by Mr. Andrews. And, Sir, the same slander was echoed by my Honourable friend who has now become our colleague, Mr. McWatters. Sir, the Honourable Mr. McWatters said in the Council of State in words which I quoted on a previous occasion :

"The Honourable Mr. McWatters, on behalf of Government, regretted that except for a few workers like Mr. Andrews, there had been very little public opinion expressed in this matter, and said that the Indian National Congress discovered this opium question only last year."

Then after making that statement :

"Even though he had declared this in such strong terms, we are told by the Honourable Mr. McWatters that there has been no public opinion in this country condemning the policy of Government in this matter."

Sir, he is evidently ignorant of the agitation that has been going on for a long time. In fact, the late Mr. Gokhale gave his life to this question and sacrificed his life without any effect. Sir, leader after leader in Congress after Congress from public platforms on many occasions have condemned the opium policy of the Government of India and still this Government would not yield an inch and yet they slander these very leaders behind their backs to their heart's content. But, Sir, we are glad that now at least the Honourable Sir Bhupendra Nath Mitra has come up with a Bill of this kind. But I am perfectly certain that this Bill, even if it is passed into law as it stands, would not give any real benefit to this country, unless it is thoroughly changed. Sir, in 1923, in the League, the American delegate pressed strongly for two things which if this Government had any responsibility towards their own subjects

[Mr. C. Duraiswamy Aiyangar.]

should have been immediately accepted without any objection being raised.

"In May 1923 the American delegate asked that the following two propositions should be incorporated, namely :

1. If the purpose of the Hague Opium Convention is to be achieved according to its spirit and true intent it must be recognized that the use of opium products for other than medicinal and scientific purposes is an abuse and not legitimate.

2. In order to prevent the abuse of these drugs, it is necessary to exercise the control of the production of raw opium in such a manner that there will be no surplus available for non-medical and non-scientific purposes.

The representatives of the powers associated themselves with these sentiments except India which made an exception with regard to opium."

Sir, on many of these occasions when the League of Nations meets our representatives they give various versions about the necessity of opium in this country. They do not hesitate to say that opium was a social and religious necessity of this country, and when that observation was reiterated by Sir Basil Blackett on the floor of this House my friend Mr. Harbilas Sarda got up and objected to such a statement being made. But that is the way in which they manage the business outside the country, and within the country they were never tired of increasing their revenue, even by working up the internal consumption when the export to China was curtailed. I remember that the Honourable Sir Basil Blackett brought a Resolution on the floor of this House in 1926, when we of the Swaraj party were all out of this House, and even then he did not want to come to any understanding about the reduction of the internal consumption of opium in this country, but wanted to take steps with reference to export to other countries. The idea of protecting the subjects of this country has always been very far off from the Members on that side.

Now, Sir, I will refer to a few Articles of the Convention. Article 1 of the Convention was :

"Except as provided in paragraph 3 of this article with regard to retail sale, the importation, sale and distribution of opium shall be a monopoly of the Government and the right to import, sell or distribute opium shall not be leased, accorded or delegated to any persons whatever."

Article 2 is :

"The sale of opium to minors shall be prohibited. All possible steps shall be taken by the Contracting Powers to prevent the spread of the habit of opium smoking among minors."

Article 3 is :

"No minors shall be permitted to enter any smoking divan."

Article 4 is :

"The Contracting Powers shall limit as much as possible the number of retail shops and, where smoking divans are permitted, the number of divans."

Sir, these absolute prohibitions were required by the Convention. I may also read another Article of the Convention, Article 5, which reads :

"The Contracting Parties shall enact effective laws or regulations to limit exclusively to medical and scientific purpose the manufacture, import, sale, distribution, export and use of the substances to which this Chapter applies. They shall co-operate with one another to prevent the use of these substances for any other purposes."

Sir, these are the points upon which the League of Nations has always been very particular. I wish to ask the Honourable Sir Bhupendra Nath Mitra whether he has made any provision for these total prohibitions in the Bill which he has placed before the House. Sir, from clauses 4 to 8 of the Bill before the House we find what are prohibited and what not. Clause 4 alone makes some provision for total abolition. All the other clauses provide loopholes by saying "He shall not do so and so..... save under rules framed by the Governor General in Council or by the Local Governments." In fact this Bill is not for total prohibition, nor for regulating consumption, but to cover all the operations by way of rules to be framed by the Governor General in Council and the Local Governments. In fact the Bill may be considered as an eye-wash ; the only principle underlying it is to throw dust into the eyes of the League of Nations. Next time they go to the League they will say, here you are, we have passed a big legislation about this matter ; we have done our duty to the world and to our subjects. I would ask the Honourable Sir Bhupendra Nath Mitra whether all these things, which are required to be absolutely prohibited according to the Convention, will be prohibited by the rules to be framed under this Bill. Once we have passed this Bill and conferred this rule-making power on the Governor General in Council, the rules will never come before the House. All we shall have on the Statute-book is that rules may be framed and may be enforced and that licenses may be granted under certain conditions. But how those rules are framed and what the effect of those rules is never comes before this House for discussion on the floor of this House for modification or extension. Therefore, Sir, for my part at any rate, I do not entertain any hopes that by this Bill there will follow that ethical reform which is absolutely necessary for nation-building. Not if this Bill goes on the Statute-book as it stands now. I have found, Sir, that Government look upon revenue as the sole consideration in these matters. They would be ready to agree to the age of consent being raised to 15 because they do not lose any revenue by that. If, however, Sir, a fee were to be charged on all marriages below a certain age, the Government would surely support early marriages. That is the spirit in which they carry on. I am sure, Sir, that by this Bill nothing of any value to India will result ; it is merely a handsome presentation to the League of Nations, to show how much they have done in standing by the Convention which they have signed.

I do not propose to oppose this motion for circulation at this stage, because no purpose is served by doing it. It would only encourage the Government to carry on with the policy which they have hitherto followed. There is only one suggestion I wish to make in the matter of the circulation of this Bill for eliciting public opinion. Care must be taken as to whom they consult in a matter like this. A warning has already been given in the case of the previous Bill by my friends Mr Sesha Ayyangar and Mr. Jogiah, and I want to repeat that warning here. So far as I have been able to see from my experience in this House of four or five years the procedure which the Government follow in the matter of circulation is somewhat as follows. If the Bill relates, for instance, to the mercantile marine it will be sent to High Court Judges for opinion. If there is an amendment of the Succession Act, then it will be sent to Chambers of Commerce for opinion. If the matter relates to the marriage reform of the Hindus, it will be sent to Christian missionaries for opinion. If the Bill relates to divorce amongst Christians, Hindus will be consulted. This is the manner in which Bills are circulated for opinion.

[Mr. C. Duraiswamy Aiyangar.]

What is the good of getting opinions like that? Therefore, I would request my friend Sir Bhupendra Nath Mitra to take the opinions of the leaders of the people on this question. Let them not be abused and slandered any longer for not giving their opinions against the policy of the Government of India. And I would suggest too that in making their suggestions they ought not to deal with minor matters of detail, such as the wording of clauses, but go into the substance of the Bill. I would request the public men who are consulted to think deeply over the matter of how best to make this Bill really effective and useful by making suggestions as to total prohibition to be enforced in certain matters; for instance, total prohibition of sale of opium to minors, to women, factory workers, etc. These are questions which they must take into consideration definitely and seriously. I hope opinions like that will be collected and I hope also that instead of shelving it again, the Honourable Sir Bhupendra Nath Mitra will try to bring it up as early as possible in the Delhi session.

The Honourable Sir Bhupendra Nath Mitra: Sir, I have listened with great interest to the speech made by my friend Mr. Duraiswamy Aiyangar. He has, however, overlooked one thing, namely, that this Bill leaves the existing law about internal consumption of raw opium alone; that is, it does not propose to interfere with the Local Governments' authority in this particular matter. That being so, Sir, many of the remarks which fell from my Honourable friend are irrelevant for purposes of the present Bill. In regard to the other point, that is circulation, that, Sir, I believe, is a matter of procedure for the Legislative Assembly Secretariat, because the circulation will be arranged for not by the administrative department but by the Legislative Assembly Secretariat.

Mr. C. Duraiswamy Aiyangar: May I ask the Honourable Member what he means in this Bill by "inter-provincial transport," "inter-provincial export" and "inter-provincial import" and with reference to the sale of opium whether he intends to do anything at all for the reduction of internal consumption? I entertained too much hope that he was going to reduce internal consumption also. Am I to be considered to be mistaken on that point?

The Honourable Sir Bhupendra Nath Mitra: The Bill has nothing to do with the internal consumption of raw opium. My recollection is that it was last year probably, or in 1926, that Sir Basil Blackett made in this House a full statement explaining the attitude of Government in regard to that matter.

Mr. President: So all the trouble of the Honourable Member is wasted?

Mr. C. Duraiswamy Aiyangar: Yes, I am sorry. I had some hope.

Mr. President: The question is:

"That the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations be circulated for the purpose of eliciting opinions thereon."

The motion was adopted.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour): Sir, I move that the Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes, be circulated for the purpose of eliciting opinions thereon. This Bill, Sir, as I explained on an earlier occasion, is merely an attempt to correct certain defects which we have discovered in the working of this Act during the four years in which it has been in operation. They are mainly suggestions made by the Commissioners of Workmen's Compensation, and for one of them, that relating to the extension of the Act to workmen employed by contractors on railways, we are indebted to a suggestion made by my Honourable friend Mr. Joshi in our Standing Advisory Committee. On the more general question of considering whether the Act as a whole needs revision in matters of wider principle we are simultaneously addressing Local Governments. Local Governments have not yet been consulted on these details, although, as I have said, the Commissioners for Workmen's Compensation in some of the provinces have been; but in a Bill of this kind it is desirable that the Local Governments and the public should be consulted.

Sir, I move.

The motion was adopted.

Mr. President: I understand that the next two Bills* are not to be taken up to-day.

The Honourable Mr. J. Crerar (Leader of the House): That is correct, Mr. President. I regret that Sir Denys Bray is still obliged, by illness, to be absent from this House; the motion in his name will, if possible, be put down at a later date. As regards the motion standing in my name, I do not propose at this time to move the motion.

ELECTION OF A PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

The Honourable Sir George Rainy (Member for Commerce and Railways): Sir, I move:

"That this Assembly do proceed to elect in the manner described in the Rules published in the Home Department Notification No. F.-49, dated the 22nd August, 1922, as amended by the Home Department Notification No. D.-794-C., dated the 30th January, 1924, a panel consisting of nine members from which three will be nominated to serve on the Standing Committee to advise on the subjects in the Department of Commerce."

Sir, I do not think it is necessary for me to say more than a couple of sentences in support of this motion. The period of one year for which the Advisory Committee of the Commerce Department was constituted in the autumn Session of last year is about to expire. It is therefore necessary to provide for its reconstitution and it is for this reason I have brought forward the motion.

Sir, I move.

The motion was adopted.

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*1. Bill further to amend the Indian Penal Code.

2. Bill further to amend the Indian Limitation Act, 1908, as passed by the Council of State.

ELECTION OF A COMMITTEE TO REVIEW THE SEPARATION OF RAILWAY FINANCES FROM GENERAL FINANCES.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move :

"That this House do proceed to elect in such manner as may be prescribed by the Honourable the President fourteen members to serve with the Honourable the Railway Member, the Honourable the Finance Member and the Financial Commissioner of Railways, as a committee to review the separation of railway finances from the general finances of the country in accordance with the Resolution adopted by the Legislative Assembly on the 20th September, 1924."

I am moving this motion, Sir, in accordance with a promise which I made in my speech when I introduced the Railway Budget last cold weather. The terms of the motion have been framed in the widest possible terms so that the Committee may have the whole field open to them and may be able to make any recommendation that seems suitable to them as regards the separation of railway and general finances. I understand, Sir, that before I gave notice of it, the terms of the motion had been shown to the leaders of the various parties and groups in the House, and I understand that they found it acceptable. I do not think, Sir, that I need say more than that.

Sir, I move.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, I am glad that the Railway Member has been as good as his word and has implemented his promise given last Session. At the same time, Sir, I think, there is a serious flaw in the motion as moved. Three official Members are to be *ex-officio* members of this Committee and again, if I understand the motion correctly, the official Members are to vote in the election of 14 other Members ; this would mean that Government will have a double representation on this Committee. I know it is not their intention to have a packed committee, but a committee as widely representative of the House as it is possible to secure ; and therefore I should like to have a clear declaration from Government that they would ask their official colleagues not to vote when this election takes place on the day which you, Sir, will fix hereafter ; otherwise, Government having three Members already might have 3 or 4 more by their own official voting, which, I think, is highly undesirable and the House.....

Mr. President : What is the amendment of the Honourable Member ?

Mr. Jamnadas M. Mehta : I suggest to Government that Government should ask their official colleagues not to vote when the election of 14 members takes place, because they have three members *ex-officio*.....

Mr. President : That is not the proper way. The proper way for the Honourable Member is to move an amendment.

Mr. Jamnadas M. Mehta : In that case, I shall move it with your permission that the official members do not participate in the election of the 14 members. (*An Honourable Member* : "That the non-official Members of this House do proceed to elect, etc.".)

Mr. President : That the non-official Members of this House do proceed to elect, etc. Is that the amendment ?

Mr. Jamnadas M. Mehta : Yes, Sir, that is the amendment.

The second point which I wish to take is that the terms of reference to the Committee should be the widest ; they should include the question of

Indianisation and racial discrimination in Railway services and the grievances of labour ; these matters widely touch railway finance. Railway finances improve or deteriorate by the absence or otherwise of strikes. Then a great deal of discontent arises on account of racial discrimination which affects the subordinate services particularly, in State Railways. I wish to be assured that no objection will be raised in the Committee when the discussion of all these questions arises.

With these words I move my amendment.

Mr. M. S. Aney (Berar Representative) : Sir, I support the amendment moved by my Honourable friend, Mr. Jamnadas Mehta. I had thought that it would probably be within your powers to prescribe that the election should be by non-official Members, but as my friend has moved this amendment I support it. This motion comes before the House in pursuance of a promise already given. I think it necessary that the question should be thoroughly and exhaustively discussed. So far as the official Members are concerned, the provision of three *ex-officio* members is sufficiently strong to put before the Committee the official view of the question, but it is really for the non-official Members of this House to decide whether the separation that has been made has been beneficial or not in the interests of the taxpayers, and it is for the non-officials to decide how far the conditions which were laid down have been strictly adhered to, and what modifications if any should be made in the existing arrangements. From that point of view the amendment is very important, and I do not think that the Honourable Sir George Rainy can have any objection to accept that amendment.

The Honourable Sir George Rainy : Sir, I should like to rise on a point of order. I have had no notice of this amendment and was unaware that any amendment was likely to be moved. We have done all we could to take all the parties into our confidence, and it would be very difficult at this stage to ask Government to waive notice.

Mr. President : Will the Honourable Member quote his authority ? Under what Standing Order is notice of this amendment required ? This is neither a Resolution nor a Bill, and I would like to know under what Standing Order notice of this amendment is necessary.

The Honourable Sir George Rainy : I do not raise this point under any particular Standing Order, Sir. As I understand the case, it is within the discretion of the Chair to decide whether it is reasonable in the circumstances that the amendment should be made. The point I wished to make, was that it is hardly fair, when we have tried from our side of the House to take all parties into our confidence and get the motion into a form which all parties could accept, to have an amendment moved at the very last moment like this.

Mr. President : If the Honourable Member will satisfy me that the Chair has discretion, the Chair will exercise that discretion.

The Honourable Sir George Rainy : I am prepared to accept that position.

Mr. President : I think the best course is to take this matter up on Monday or some other day.

The Honourable Sir George Rainy : Might I suggest one point ? We do not know on what date the matter may be brought up, and as there will be further procedure in the way of electing the Committee after the motion

[Sir George Rainy.]

has been passed, it might be inconvenient to the Members of the House who are anxious to take part in the election because they might be compelled to leave Simla before the election came on.

Mr. President : When was this circulated to Honourable Members ?

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : I am afraid I do not know the exact date. It was circulated I think two or three days ago, possibly the day before yesterday.

As I have risen I would like to explain what occurred. The reason why three official Members were mentioned by their offices in the motion was because by the time this Committee meets, the Honourable the Finance Member will not be the Honourable Sir Bhupendra Nath Mitra, and it is desirable that the Honourable the Finance Member should be on the Committee. For that reason I approached the leaders of all parties and showed them the form of motion as it has appeared on the paper and asked them whether the motion would meet with their approval.

Mr. President : But the followers are not always loyal ! The Honourable Member will see that he has not even allowed two days for Honourable Members to consider whether they should give notice of any amendment.

Mr. A. A. L. Parsons : The Honourable the Railway Member is prepared to accept an amendment, omitting his name and my own from the list of those persons to serve on the Committee, and raising at the same time the number of members from 14 to 16. In that case the only non-elected nominee of Government on the Committee would be Sir George Schuster who cannot for the moment be elected to the Committee for the reasons I have explained.

Mr. Jamnadas M. Mehta : My object in moving this amendment is not to delay the motion. Now that the justice of the amendment is obvious to the Government, and they have agreed that two of their nominees will contest the election, I would like to withdraw my amendment.

Mr. President : Is it the pleasure of the House that the amendment be withdrawn ?

The amendment was, by leave of the Assembly, withdrawn.

Mr. A. A. L. Parsons : I move :

"That in the motion the words 'the Honourable the Railway Member' and the words 'and the Financial Commissioner of Railways' be omitted, and for the word 'fourteen' the word 'sixteen' be substituted."

The motion was adopted.

Mr Jamnadas M. Mehta : Sir, I would like to enquire whether the terms of reference will be those that I have suggested.

The Honourable Sir George Rainy : Sir, it is not my intention to lay down any restrictions as to what this Committee may go into. It will rest on whoever acts as the Chairman of the Committee to decide that.

Mr. President : The question is :

"That the following motion, as amended, be adopted :

'That this House do proceed to elect in such manner as may be prescribed by the Honourable the President sixteen members to serve with the Honourable the Finance Member as a committee to review the separation of railway finances from the general finances of the country in accordance with the Resolution adopted by the Legislative Assembly on the 20th September, 1924'."

The motion was adopted.

Mr. President : I may inform the Assembly that for the purpose of election of members to both these Committees, the Assembly office will be open to receive nominations up to 12 Noon on Saturday, the 22nd September, 1928, and the elections, if necessary, will take place in this Chamber in accordance with the principle of proportional representation by means of the single transferrable vote on Tuesday, the 25th September, 1928.

DEMANDS FOR SUPPLEMENTARY GRANTS.

STAMPS.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 1,85,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Stamps'."

The motion was adopted.

ADMINISTRATION OF JUSTICE.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

"That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Administration of Justice'."

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, this Supplementary Grant deals with one specific conspiracy trial in my own province of Bihar and Orissa. It is proposed to contribute from the Central Revenues a sum of Rs. 50,000 towards the expenditure incurred by the Government of my province in that criminal case. In the proceedings of the Standing Finance Committee, I find it stated :

"It was stated that the Government of Bihar and Orissa had represented that the Deoghar conspiracy case which was being prosecuted in that province, would involve the Local Government in heavy expenditure which was likely to exceed Rs. 2 lakhs and the Governor in Council had asked for a contribution from Central revenues towards the cost of the case in view of the facts : (*i*) that the trial had little or no direct interest for the province, (*ii*) that the accused in the case were not inhabitants of Bihar and Orissa, and (*iii*) that their trial in the province was only due to the fact that three of them were arrested while on a temporary visit to Deoghar."

Sir, accidentally—whether fortunately or unfortunately I cannot say—my province happens to be known as a very healthy province. Naturally everybody comes to my province for the purpose of a change of climate or for reasons of health. If any of the outsiders who happen to come to my province hatch any conspiracy, then a poor province like Bihar and Orissa ought not to be burdened with the whole extent of the expenditure involved in prosecuting such conspirators. I would have liked very much had the Government of India sanctioned the whole expenditure of two lakhs which the Bihar and Orissa Government asked for. The Bihar and Orissa Government incurred or are incurring this huge expenditure on behalf of other provinces and they must be reimbursed to that extent. It would have been

[Mr. B. Das.]

better if the Government of India had established a Supreme Court or some sort of Central Court where questions affecting the various provinces should be taken into consideration and such cases to be tried at the cost of the Central Government. A poor province like mine should not be burdened to such an extent as 1½ lakhs and that for the reason that the alleged conspirators were arrested in my province.

Sir, I may say that my province is very poor. Recently, the Government of Bihar and Orissa appointed a flood inquiry committee for my tract of the country, Orissa, and the report has been submitted. It involves very heavy expenditure on any Government if that Government would like to give effect to all the recommendations there to eradicate the causes of floods in Orissa. If I can take it as a precedent that the Government of India could contribute part of the expenditure of Provincial Governments, I can ask the Honourable the Finance Member to sanction a few lakhs of rupees towards improving the condition of the people of Orissa as recommended by the flood enquiry committee and that report may soon come up before the Government of India. I hope this precedent of the Honourable the Finance Member will be utilised in other cases also. I think it is a dangerous principle that a poor province like mine should be burdened with the remaining part of the expenditure in this Deoghar conspiracy case which is more than 1½ lakhs of rupees and in which my province has no direct interest nor is any resident of my province implicated. It is either for the other provinces to share the expenses or for the Central Government to finance the whole cost.

The Honourable Sir Bhupendra Nath Mitra : Sir, I do not want to waste the time of the House for any long period.

Mr. President : What is the suggestion ?

The Honourable Sir Bhupendra Nath Mitra : Sir, I believe it was the poverty of the province of my Honourable friend Mr. Das that operated as a consideration to the Standing Finance Committee in agreeing to this contribution. Otherwise, I believe they were very doubtful about establishing a precedent.

Mr. B. Das : Quite so. But I cannot understand from the argument of the Honourable the Finance Member why my province should bear the expenses of people of other provinces, whose people come to my province and commit alleged conspiracy or sedition.

The Honourable Sir Bhupendra Nath Mitra : The answer to that is that it is the usual arrangement. (Laughter.)

Mr. President : The question is :

" That a supplementary sum not exceeding Rs. 50,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Administration of Justice '."

The motion was adopted.

CIVIL WORKS CENTRAL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

" That a supplementary sum not exceeding Rs. 2,13,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Civil Works Central '."

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : May I ask, Sir, what is the sum for which the residence already constructed for His Excellency the Commander-in-Chief which cost about four lakhs has been sold ? The second question I would like to ask is whether any attempt was made to enlarge the existing house instead of selling the building and constructing a new one ?

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I think I can reply to that question. I do not know whether I would be in order in disclosing the exact figures, but I can assure the Honourable Member that the house was not sold at a loss and the Government did not lose a penny either over the cost of the house or over the cost of the land. Secondly, it was very carefully considered whether the house as it stood was capable of such extensions and improvements as would have made it suitable for the permanent residence of the Commander-in-Chief, and it was decided it was not. We had a favourable offer for the first house and we thought it was really an economical and satisfactory transaction.

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : How is it, these considerations did not strike the Government before ?

The Honourable Mr. A. C. McWatters : That is going back before my time and I can hardly answer that question.

Mr. President : The question is :

" That a supplementary sum not exceeding Rs. 2,13,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Civil Works Central.' "

The motion was adopted.

CAPITAL OUTLAY ON CURRENCY NOTE PRINTING PRESS.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move :

" That a supplementary sum not exceeding Rs. 3,30,000 be granted to the Governor General in Council to defray the charges that will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Capital Outlay on Currency Note Printing Press '."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT IN RESPECT OF RAILWAYS.

Mr. A. A. L. Parsons (Financial Commissioner, Railways) : Sir, I beg to move :

" That a supplementary sum not exceeding Rs. 12,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Audit '."

This money is required for initial outlay in the current year on making permanent the separation of Audit and Accounts on State-managed Railways where it has already been temporarily in force and on extending it to other State-managed Railways on which it is now proposed to inaugurate it. The details of the proposals which we are laying before the House have been fully explained in what is, I am afraid, a very lengthy memorandum, which has been in the hands of

[Mr. A. A. L. Parsons.]

Members now for some time. I regret that I should have had to trouble the House with so lengthy a document, but I thought it desirable that they should have full details of the results of the experiment that has been carried out with their approval on the East Indian Railway for the last three years. And those Members who have not had either the leisure or the inclination or both to read the whole of the memorandum will have found what is I hope a fair and succinct summary of it in the proceedings of the Standing Finance Committee for Railways, which examined our proposals very exhaustively. After their report and in view of the fact that the memorandum does go into such detail I do not think I need detain the House very long with preliminary remarks.

There are, however, one or two points which I should like to make. It may occur to some Honourable Members from the recital of our activities which we have given in this memorandum that we are making somewhat extravagant claims on behalf of the work of the Accounts Department which has been under me and my predecessor for the last 3 years. That was not our intention. Our intention was merely to show exactly what had been done while the accounts had been separated. I myself agree in fact entirely with the judgment which has been passed by the Auditor General on the results of this separation. He has pointed out quite rightly that theoretically the same results might have been obtained had Audit and Accounts not been separated ; but as he has also pointed out that is merely a theoretical point. What he says is :

"All this is in theory only. In practice it is really impossible to speculate how much of the work both on the side of accounts as well as of audit would actually have been effected without separation. The fact remains that anything like the same measure of improvement, reforms and economies have not been effected in the past by the combined Audit and Accounts Department and a very strong point in favour of the separation is that all this has been accomplished in a short space of time."

I think I can claim for the Accounts Department which has been under my predecessor and myself that it has taken very great pains to improve the accounting system on the East Indian Railway and I believe that claim would be substantiated by Members here who are on the Public Accounts Committee. A large number of cases came before them in which, owing to the efforts both of the Accounts and of the Audit people, irregularities had been traced out and remedied.

The proposals do not only include the extension of the separation of Accounts and Audit from the East Indian Railway to other State-managed Railways. They also include the making permanent of the present arrangements of the Clearing Accounts Office. When this question was discussed in the Standing Finance Committee for Railways we had before us certain complaints ; in the first place, that the apportionment of foreign traffic receipts during the time the Clearing Accounts Office had been in existence had become more inaccurate, and secondly with regard to the position of the clerks in that office. For these reasons there was some discussion in the Standing Finance Committee whether the right moment had come to make the present arrangements permanent. The Committee decided with one dissentient that the time had come to make the arrangements permanent ; but at the same time it was decided that there should be an investigation into these two matters. I am

now in a position to lay information before the House which I did not previously possess with regard to one of these matters, that is to say, with regard to the accuracy of the accounts which have been prepared in the Clearing Accounts Office. In 1927-28 I find that that office dealt with transactions aggregating over 18 crores of rupees and that the finally admitted irregularities in apportionment of rating—were under Rs. 16,000. That is to say, it was considerably less than one eleven thousandth of the total amount accounted for or, to give decimal figures, 0.0087 per cent. I do not think anybody could describe that as inaccurate working.

With regard to the position of the clerks on which I myself have received many representations—and I know that Honourable Members in this House have also done so while there has been in addition some discussion in the Press,—it is particularly because of the position of these clerks that I am very anxious now to see the arrangements made permanent. These clerks have been transferred from a good many offices and their main complaint is I gather that at present they do not know their position on the list of the office, their position *vis-a-vis* each other. Until we know that the office is going to be permanent, it is impossible to settle down and arrange the lists of the office in such a way that each man will know he has been properly placed and will have no sense of grievance. It is also, I may say, impossible for me to take steps to provide accommodation for these clerks until I know if the office is to be made permanent. And the want of accommodation in Delhi is one of the main difficulties to which these clerks are at present subject. It is for these reasons that I am particularly anxious that the arrangement with regard to the Clearing Accounts Office should now be made permanent.

There are two further things I should like to add. First of all, in the memorandum it will be seen that there are proposals for transferring further work, the work of local traffic audit, from the State Railways to the Clearing Accounts Office. On the advice of the Standing Finance Committee for Railways I have decided to postpone those proposals for the present, particularly because they would involve bringing more clerks to Delhi from Calcutta and elsewhere before we have accommodation for them.

Lastly, I wish to refer to the methods which we propose to adopt for recruitment if this House accepts these proposals. The superior officers I think offer no difficulty at the moment. I am hopeful that the Auditor General will be able to produce for us a sufficient number of officers from the Indian Audit and Accounts Service to fill most of the posts that will be created in the Railway Accounts Service. For the future we propose to adopt exactly the same system of recruitment as obtains in the Indian Accounts and Audit Service, namely, by open examination through the Public Service Commission.

A point which is of greater difficulty is the recruitment of the subordinate staff. Now, I am extremely anxious myself to get rid of the present haphazard methods by which clerks and other subordinates are recruited. You can never say that you are getting the best men by our present methods, and if I may say so, it is an unmitigated nuisance to persons in my position to have to receive almost daily applications from various people to confer appointments on somebody

4 P.M.

[Mr. A. A. L. Parsons.]

whom they know. My idea at present is if possible to recruit for both the Clearing Accounts Office and for other accounts offices, for posts of clerks and other subordinates by examination. I should like to make it an open examination, that is to say, I should like to avoid having to select people to sit for the examination, but I am a little doubtful whether that is feasible. We might be so flooded with applications for the examination, that it would be almost impossible to get an examination held. I propose therefore to discuss this matter again with the Standing Finance Committee for Railways with whom I have already agreed to go through all the rules which I have suggested for the recruitment of the staff.

I think, Sir, that is all I have to say. The genesis of these proposals can be found in the report of that distinguished Committee which was presided over by Sir William Acworth. This House helped in starting them when it agreed in 1925, that they should be tried out on a large scale on the East Indian Railway. They have since been approved by an eminent accountant of international reputation. In the judgment of the Auditor General they have been tried and not found wanting, and they have been approved, unanimously except in one minor respect, by the Standing Finance Committee for Railways. They are also expected to lead to a reduction of about Rs. 2 lakhs in the establishment costs of Railways and to further economies for which no exact figure can be given, but which may be about 10 lakhs. I know of no stronger arguments that I can use to commend them to the House.

Mr President : The question is :

" That a supplementary sum not exceeding.....

(Mr. Neogy stood up in his place.)

Does the Honourable Member wish to speak ?

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Yes, Sir. I shall try to imitate my Honourable friend, Mr. Parsons.....

Mr. President : And be equally long ?

Mr. K. C. Neogy : No, Sir ; I will be very short. Well, Sir, my first quarrel with him is with regard to the procedure that he has chosen to adopt in bringing forward this important question of principle. I do not think that very many Members of this House—particularly those who were not in the Finance Committee—were aware exactly of the import of this Supplementary Demand. When on the last occasion, about three years back, there was a motion made in this House for agreeing to an experiment being carried on with regard to the separation of Accounts and Audit on the East Indian Railway, the Honourable Member's predecessor preferred to bring forward a regular Resolution giving the essential details of that scheme, and it was only after the House had accepted that Resolution that the supplementary estimate seeking to give financial effect to that scheme was brought up in this House. I do not know why my Honourable friend has not chosen to follow that excellent precedent that he had before him in this matter. Sir, apart from that, I do not think that this is the proper time, just at the fag end of a day, at the fag end of the Session, to bring up a question like this. However, Sir, on

the last occasion the atmosphere of the House was rather different from what I find to-day ; and the credit for that belongs certainly to the persuasive powers of the Railway Department. When I went through my Honourable friend's memorandum, I was reminded of the usual type of advertisements of certain patent medicines. All kinds of merits are claimed by my Honourable friend for this scheme of separation. But when I turned to the Auditor General's note, I found that my Honourable friend the Financial Commissioner did not quite succeed in persuading that hardheaded old, as he had most of my colleagues on this side of the House. Sir, my Honourable friend has given a few lines from the observations of the Auditor General. If he had only given us a few more sentences from his note, the House would have seen that the Auditor General is not quite sure of the position. He uses very cautious language. In one place he says he would have wished to have had more time to consider the matter ; in another place he says :

" I have not been able to verify the figures."

Then again he says :

" The merits that have been claimed for this system could as well be claimed perhaps under the old system."

If any Honourable Member desires to read out the whole report here, he is welcome to do so, but I am not going to tire the patience of this House. Let us try to understand as briefly as possible what this proposal means. At the present moment there are two systems of accounts and audit which are in vogue side by side in the Railways. On the Company-managed lines there is a separation of audit from accounts ; the accounts are maintained by a staff which is under the administrative control of the Agent and the Directors in England. There is an independent audit carried on on behalf of the Auditor General by Government Inspectors. This is the system which is in vogue on Company-managed lines. The other system is in vogue on the State-managed lines, with the exception of the East Indian Railway. Under this State railway system, the staff which keeps the accounts is not under the administrative control of the Agent or the Railway Board, but of the Auditor General ; and that staff not merely keeps the accounts but simultaneously carries on audit. In the case of the Company system of audit, it is a post audit, that is, a post mortem examination of the accounts on behalf of the Auditor General. In the case of the State system, it is pre-audit—that is to say, before any expenditure is incurred, the auditor who is also the accounts officer must scrutinise the proposed expenditure. These were the two systems when the East Indian Railway was taken over by the State for direct management. Now, the proposal which the Acworth Committee had made for separating Audit from Accounts was then under consideration ; and the Government thought that the best opportunity of carrying out the experiment of that proposed measure had presented itself with the taking over of the management of the East Indian Railway by the Government of India ; and therefore it was that that new separated system was given a trial on the East Indian Railway. We are told now that that experiment has proved a very great success and therefore it ought to be extended to the other railway systems. Now, when we compare the merits of these two systems, I mean the two systems that were tried on the East Indian Railway, namely, the previous Company system and the present separated system, we must not forget that there is not any very essential difference in the principle of the two systems, because as in the days of

[Mr. K. C. Neogy.]

the Company management there was an independent audit on behalf of the Auditor General and the accounting was done by a staff which was under the administrative control of the Agent. That is more or less the system which is now sought to be extended to the other Railways, and to which a trial has been given on the East Indian Railway. There may be some difference here and there in details, but the main principle must be admitted, and has been admitted, to be the same. Therefore, Sir, when it is claimed that the new separated system is a superior system, you are thinking of a system which does not materially differ from the system with which you had an opportunity of comparing it. I maintain that the Government have not got sufficient materials to place before this House which would justify them in saying that this experiment has demonstrated the superior merits of the new system as compared with the old orthodox system, namely, the combined system of audit and accounts that has prevailed for so many years on the State-managed lines.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Question ?

Mr. K. C. Neogy : Now, my Honourable friend Mr. Ranga Iyer says " Question ". My Honourable friend is a member of the Public Accounts Committee, but unfortunately he does not care to read the reports of the Committees of which he is a member. (*An Honourable Member* : " He never attended.") At least he did not read the Report of the Public Accounts Committee held last year.....

Mr. C. S. Ranga Iyer : When you were a member.

Mr. K. C. Neogy : I was, but my Honourable friend is expected to read the Report.....

Mr. C. S. Ranga Iyer : I was a member last year.

An Honourable Member : He was a member last year.

Mr. K. C. Neogy : Was he ? Then I maintain that he does not.....

Mr. C. S. Ranga Iyer : I am afraid, Sir, that the Honourable Member is talking through his hat.

Mr. K. C. Neogy : I have never worn a hat in my life.

Well, Sir, this question came up before the Public Accounts Committee last year, and certain results of the working of the new system as an experiment on the East Indian Railway were put forward in the Audit and Appropriation Accounts of the Railways, and the Auditor General had something very illuminating to say on that subject.....

Mr. President : Does the Honourable Member oppose this grant ?

Mr. K. C. Neogy : Yes, Sir ; I am opposing this grant. This is the question that was put to the Auditor General :

" Have you got sufficient experience of the system to say that this separation has resulted in an improvement not only upon the old company system as was obtaining on the East Indian Railway but also over the system of working on the State Railways ? ".

This is the reply which Sir Frederick Gauntlett gave :

" I think the answer is that it is very difficult to disentangle two causes which have been at work. There has been the taking over of the East Indian Railway by the State,—the scrutiny of the old system of accounts which differs, as Mr. Parsons has explained, in some respects from the State system of accounts, and there is also at the same time the independent audit. My own personal feeling is that we have discovered more in the first year of independent audit on the East Indian than we should have, say, on the North Western."

Then the next question was :

" Do I take it that if the State system of auditing were introduced on the East Indian Railway, then these irregularities might not have come to light ?

Sir F. Gauntlett : " I would not say that. But I quite agree with what I think is underlying your remarks that we cannot get a decisive answer to the question whether the separation is inherently beneficial until we apply it to a State Railway."

That was the position which he took up on that occasion, and read between the lines, the present memorandum of the Auditor General which has been placed before us in this connection also goes to support this view. He says that it is very difficult to say whether this beneficial result would or would not have resulted from the combined system.

Mr. A. A. L. Parsons : Will the Honourable Member say where the Auditor General says that ?

Mr. K. C. Neogy : I have read out from his own evidence before the Public Accounts Committee.

Mr. A. A. L. Parsons : What page ?

Mr. President : Order, order. Does the Honourable Member desire to continue this debate on another day ?

Mr. K. C. Neogy : Yes, Sir ; I should prefer you to take it over to Monday. (*An Honourable Member* : " No, no.")

Mr. President : It is a very important debate, and I think there are a good many Members anxious to take part in it. I propose, therefore, to take it up on another day.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, this is really not a Demand for Supplementary Grant at all. It is a Demand for the sanction of this House to two important matters, namely, the Clearing House Office and the confirmation of the separation of audit from accounts.

Mr. President : To-morrow is Saturday, and the Leader of the House has agreed to allow the House to discuss the separation scheme. But as leaders of non-official parties have agreed to certain conclusions, I do not think that the debate will take long, and therefore I propose to sit at half-past two. Is there any suggestion which Honourable Members wish to make ?

Mr. Jamnadas M. Mehta : Is this to be taken to-morrow, Sir ?

Mr. President : No, not this.

The Assembly then adjourned till Half Past Two of the Clock on Saturday, the 22nd September, 1928.

LEGISLATIVE ASSEMBLY.

Saturday, 22nd September, 1928.

The Assembly met in the Assembly Chamber at Half Past Two of the Clock, Mr. President in the Chair.

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(1) ALLEGATIONS IN CERTAIN NEWSPAPERS OF PARTIALITY AND BIAS AGAINST MR. PRESIDENT.

(2) ALLEGED PROPAGANDA BY THE HOME DEPARTMENT AGAINST MR. PRESIDENT.

The Honourable Mr. J. Crerar (Leader of the House) : Mr. President, I should like, with your permission, to make a further statement on a matter which recently occupied the attention of this House and which has since continued to be of the deepest concern to Government and the whole House. The discussion which took place on Friday, the 14th, on the question raised by the Honourable the Leader of the Opposition regarding comments made in the Press or elsewhere about the President of the Assembly has not, by common consent, resulted in clearing up a situation which we all deplore

In what I have to say, my earnest desire and the desire of the Government is to do what they can to place the relations between the Chair, the House and the Government on the basis of mutual confidence and understanding which all agree should subsist ; and with this object I find it my duty to restate the position of Government in the matter and myself as Leader of the House. The Government is not less jealous of the dignity of the Chair than any other section of the House, and regard themselves, along with all other Honourable Members, as bound to protect the Chair in the discharge of the duties imposed upon it. (Applause.) Government have never had any reason on any occasion to question the strict impartiality of the rulings that you, Sir, have given from time to time or of your conduct in the Chair and they have asked me to express their full confidence in the Chair. (Applause.) It follows that we must deplore and condemn, in common with Honourable Members sitting in all other parts of the House, all allegations and comments in the Press or elsewhere that may appear directly or indirectly to reflect adversely upon the impartiality of the Chair. It therefore also follows that in any action you, Sir, may think it right to take to vindicate the authority of the Chair in the matter of the reflections which were the subject of the recent discussion in the House or of any that may be made hereafter, you will have the full support of Government. I state this explicitly to remove any misunderstanding that may have been caused by my previous statement on this subject. I must frankly admit that, the question having been raised quite unexpectedly, I spoke in less considered terms than I would have wished and without due deliberation. I have now stated above the considered view of Government and express my regret that my previous statement did not correctly convey it.

[Mr. J. Crerar.]

The House has also had its attention drawn to allegations of a campaign, instigated by Government, against the Chair. I would ask the House to take it from me that there is no foundation for such a charge, which could hardly have been made except in an atmosphere clouded with suspicion. I have, also, been assured that certain official Members of the House have used expressions impugning the conduct of the President and for this I, as Leader of the House, express my full regret and theirs, and would assure both the President and the House that, so far as Government can, they will take steps to ensure that there will be no recurrence.

On the question of the relations between Government and the President of the Assembly, I would only ask leave to say one thing more. If at any time—and I make the supposition only to avoid any possible ambiguity—circumstances had arisen in which Government had been unable to feel that confidence in the impartiality of the Chair which is necessary for the due discharge in this House of the functions both of the Chair and of Government, Government would at once have adopted the only possible and straightforward course of informing the President, and bringing the matter before this House.

I desire in conclusion to repeat and to emphasise that Government is, on all grounds, certainly not less concerned, and in some respects perhaps even more deeply concerned, than any other interest, in the prestige, dignity, and authority of the Chair. (Applause.) I am grateful to you, Sir, for affording me this opportunity of making my own position and that of Government plain. It is the earnest desire of myself, as of those for whom I speak, that, whatever from time to time may be our political disagreements, we may all unite to invest this House with an honourable tradition in the conduct of its affairs, and see that by lending our assistance to the Chair, who is the natural guardian of all interests in the House, this tradition should be constantly maintained. (Applause.)

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Mr. President, I congratulate the Honourable the Home Member on the statement he has just made. It is conceived in a spirit of absolute fairness to all concerned. I take it to be a complete vindication of the honour and dignity of the Chair and of this House against unworthy attacks and reflections from whatever quarter such attacks and reflections have emanated. On behalf of this side of the House I fully associate myself with the Honourable the Home Member in his unqualified condemnation of the baseless aspersions cast upon the Chair and this House by the Press, for which we know the correspondents of the *Times of India*, the *Daily Telegraph* and the *Morning Post* are responsible. I have no doubt that you, Sir, will take such action against them as you consider proper.

As regards the allegations made by the *Pioneer* against the Government, I am sure the Chair and this House will unhesitatingly accept, as I do, the assurance of the Honourable the Home Member that there is no foundation for the charge. I am equally sure that the House will welcome the further assurance that the Government is not less jealous of the dignity of the Chair than any other section of this House and I hope and trust that all sections of the House, whatever their differences may be

on other points, will always combine to uphold that dignity to the best of their ability.

The frank expression of regret by the Honourable the Home Member at the conduct of certain official Members of the House who permitted themselves to impugn the strict impartiality of the Chair will, I have no doubt, be deeply appreciated by the House. The assurances given by the Honourable the Home Member and the good sense of the official Members themselves will, I am confident, avoid a recurrence.

I hope, Sir, that after the statement made by the Honourable the Home Member to-day the misunderstanding caused by his previous statement will be removed and that you and the House will accept his regret for having made that statement. In these circumstances, so far as the Government and the official Members of the House are concerned, the matter will, I trust, be treated as a closed chapter.

In conclusion I desire to convey to you, Sir, our abiding faith in the strict integrity and impartiality of the Chair. Your rulings have as often been against us as in our favour, but I can confidently assert that there is not one Honourable Member on this side of the House who has ever doubted that they were prompted by anything other than strict fairness. It is indeed a matter of pride to us to find that in our first Indian elected President of the House we have one who by common consent would do honour to the Speaker's Chair in any Legislature in the world.

Permit me, Sir, to convey to you the assurance of this side of the House that we have the fullest confidence in the Chair and that it will always be our duty and privilege to protect its honour and dignity. (Applause.)

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, on behalf of myself and the party which I have the honour to represent in this House, I fully and unreservedly associate myself with the remarks made by the Leader of the Opposition. I repeat the congratulations which he has given to the Government and the Honourable the Home Member for his very full and frank statement. I may add that that statement is calculated to enhance the reputation and dignity of the Government and the Chair. I am fully confident that it will be received with great pleasure throughout the country and that it will conduce to good understanding between the parties that are represented in this House.

I also share, Sir, the assurances that have been given by the Honourable the Leader of the Opposition with regard to the confidence of this part of the House in the impartiality, integrity and ability of the Chair. I believe that this unfortunate incident having been closed so happily, we shall *all* in future be jealous of the reputation of this House, the reputation of the Chair and also of the reputation of the Government. (Applause.) I think, Sir, the Government and the Honourable Member who have done this honourable thing deserve (thoroughly and heartily) to be congratulated. If we proceed in this manner, I am perfectly sure that in future the relations between the two parts of the House will be much more pleasant and much more agreeable than they have been in the past.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, with great pleasure I identify myself with all that has fallen from the Honourable the Pandit and Lala Lajpat Rai. I have not the least doubt, Sir, that the Government of India have on this occasion risen fully to the best traditions of any Government and have proved their earnest solicitude for the prestige of this House. The statement made by the Honourable the Home Member does, if I may say so, great credit to himself and to the Government that he represents on the Treasury Benches. It is a genuine pleasure indeed, Sir, to see that a Session, which many outside thought began with so much estrangement of feeling, as it was felt then, is happily now to end in complete understanding and cordiality in the House. Nothing better could have been expected and I wish to repeat the assurance of my Party of our great respect for, and complete confidence in, you, Sir, as the President of this House.

Mr. H. G. Cocke (Bombay : European) : Sir, I desire on behalf of this group to express our approval of the course which Government have taken this afternoon and to congratulate them upon having taken that course. As I said on a previous occasion, no Party has stood more in support of the dignity and detachment of the Chair than the group to which I have the honour to belong, and this Party will never allow itself to be detracted from this course. We realise, as I am sure, you, Sir, realise, that in order to retain the full confidence of the House at all times it is essential that a President should assume continuously a cloak of strict impartiality and detachment. It follows that however much any ruling or any action of the President may be the subject of comment on technical grounds, no Member of this House is justified in imputing partiality or wrong motives to the Chair unless he is prepared to bring the matter to the floor of the House.

Nawab Sir Zulfiqar Ali Khan (East Central Punjab : Muhammadan): Sir, I desire to associate myself with the sentiments already expressed by the other Party leaders and I congratulate the Government on their decision to give ample and adequate expression to their views with regard to the controversy which has lately arisen. I am glad that the storm which threatened to involve us in some trouble has passed off and left us in perfect peace and calm in this House. Sir, on behalf of my group I wish to express the feeling that you, as the symbol of authority, dignity and honour in this House, deserve, and have always received the consideration and obedience which you deserve, and we shall in future maintain that tradition which has been maintained by this House. Sir, we have never questioned the legality of your rulings and I have no doubt that all fair-minded men will say that whatever decisions you have given have been accepted with disciplinary attitude and behaviour. Sir, on behalf of my group I wish to congratulate the Government and I congratulate the House on the manner in which they have received the announcement made by the Honourable the Home Member.

Mr. President : I should like to say a few words on this occasion, but I think you will allow me to consider the statement which I have just heard and the speeches made by the Honourable Members. I propose to say what I have to say on Monday. In the meantime I cannot help congratulating the Honourable Member (the Honourable the Home Member) and the Government he represents.

MESSAGES FROM THE COUNCIL OF STATE.

Secretary of the Assembly : Sir, I have received two Messages from the Secretary of the Council of State. The first Message runs as follows :

"I am directed to inform you that the Council of State have, at their meeting held on the 21st September, 1928, agreed without any amendments to the following Bills which were passed by the Legislative Assembly on the 17th September, 1928 :

1. A Bill to amend the Indian Trade Unions Act, 1926, for a certain purpose.
2. A Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.
3. A Bill further to amend the Indian Life Assurance Companies Act, 1912, for certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business.
4. A Bill to amend certain enactments and to repeal certain other enactments.
5. A Bill further to amend the Madras Salt Act, 1889, for a certain purpose.
6. A Bill to provide for the protection of the match industry."

The second Message runs as follows :

"I am directed to inform you that the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, which was passed by the Legislative Assembly on the 17th September, 1928, was passed by the Council of State at its meeting held on the 21st September, 1928, with the following amendment :

'In clause 1, for the brackets and word '(Amendment)' the brackets and words '(Second Amendment)' were substituted.'"

The Council of State requests the concurrence of the Legislative Assembly in the amendment."

Sir, I lay on the table the Bill as amended by the Council of State.

SEPARATE OFFICE FOR THE LEGISLATIVE ASSEMBLY.

Pandit Motilal Nehru (Cities of the United Provinces : Non-Muhammadan Urban) : Sir, I beg to move the following motion :

"This House is strongly of opinion :

(*a*) that a separate Assembly Department should be constituted not later than 1st December, 1928 ;

(*b*) that the Government of India should take immediate steps to secure the sanction of the Secretary of State to that part of the scheme which requires his sanction ;

(*c*) that the scheme submitted by the President and amended by the Government of India should be modified so as to provide :

(1) that the Assembly Department should be included in the portfolio of the Governor General ;

(2) that the principal officers of the Department should be appointed by the Governor General in consultation with the President;

(3) (*a*) that these principal officers shall be liable to dismissal by the Governor General in consultation with the President;

(*b*) that other disciplinary action against these officers should be in the hands of the President subject to a right of appeal to the Governor General ;

(4) that other members of the establishment should be appointed by the President in consultation with the Secretary ;

[Pandit Motilal Nehru.]

(5) that these other members of the establishment shall be liable to be dismissed, or otherwise punished, by the President in consultation with the Secretary, subject to a right of appeal to the Governor General ;

(6) that questions of expenditure should be dealt with in the ordinary manner but in case of difference of opinion on any item of expenditure between the President and the Government of India there should be a reference to the Governor General, whose decision shall be final :

The House further requests the President to communicate this opinion to the Governor General for such action as he may be pleased to take."

As the House is aware, this motion has a history behind it. It was as far back as 1924 that in answer to a question by the Honourable Mr Neogy this information was elicited from the Government. They said

"The question was exhaustively examined after the Inchcape Committee submitted its report and it has been decided that for the present, in the interests both of economy and of efficiency, it is desirable that the business of the Legislature should continue to be conducted by the Legislative Department of the Government of India."

That was on the 1st February, 1924. Since then there has been some correspondence and conversations between the President and the Government on the subject and a scheme carefully worked out was laid by the President before the Governor General. After a great deal of delay due to one thing or another a despatch was sent to the Secretary of State by the Government of India giving the substance of the scheme of the President and their own scheme and pointing out the differences between the two. That despatch was unfortunately sent away before this House was afforded an opportunity to discuss it. Honourable Members will remember that it was only the other day that the President made a statement to the House and upon that statement a number of Honourable Members addressed the House and a statement in reply was made by the Honourable the Home Member the next day. The question whether things should be allowed to remain where they were was considered and it was suggested by you, Sir, that Party leaders might meet in your room and consider the question. We did meet and we did consider the matter, but we arrived at no decisions. There was only a general discussion. At your invitation we met again the day before yesterday and the motion that I have just read was the result of the deliberations of our conference. It represents the view of the Party leaders present. In some instances it does not represent the view of the President and in others it is the unanimous view of the Party leaders and the President. On behalf of Government no opinion was expressed at the conference, because they had already sent a despatch to the Secretary of State which was under his consideration. I forgot to say that, as a result of the first conference to which I have referred, the Honourable the Home Member very kindly undertook to inform the Secretary of State of the view of the conference and to request, on behalf of the conference, his permission to enable the House to discuss the despatch which had been sent to him. That permission having been received, the despatch was laid on the table of the House and has since been considered by Honourable Members.

The proposal which my motion contains is not identical with the one the Honourable the President made in the scheme which he drew up, but it was felt that, as a temporary measure, and as a beginning in the direction of fully separating the establishment of this Assembly from all Government Departments, the motion that I have laid before

the House would be a satisfactory first step and it is only in that sense that I am moving it. Honourable Members will, I hope, be agreed that, in spite of the peculiar position of this Assembly, and its limited powers, it is in no sense subordinate to the Government and that it is an Assembly the Members of which have equal rights, no Member having any superior rights to another Member. It is therefore only proper and in the fitness of things that the establishment attached to the Assembly should also be independent of Government control. In fact, that is so in the House of Commons and I suppose—though I am not quite sure—in the other representative Legislatures. Therefore, the one thing that we have to ensure is independence of not only the Assembly but of everything appertaining to the Assembly—its office and establishment—from the control of Government. The motion that I have put before the House goes a long way to secure that independence, but of course not the whole way, and that is due to the peculiar conditions in which we find ourselves. If this were a House wholly elected and responsible to the electorates no difficulty would have arisen, because it would in the very nature of things have the fullest control of every Department. But the difficulty arises from the fact that the powers of this House are limited and it cannot exercise any control upon any Department or exert any influence on anything which is not specifically referred to it by Government. We heard the other day from the Honourable the Home Member that they have to this extent carried out the scheme of the Honourable the President—that they have given a whole-time Secretary to this Assembly who is not a Member of the House. But he still remains under the control of the Legislative Department.

Now, that is the first and foremost thing that has been dealt with in my motion. We do not wish that the principal officers of this Assembly should have any connection with the Government any more than with any other section of the House and therefore my first proposition is that the principal officers should be appointed by the Governor General in consultation with the President. The practice in England, as the House is aware, is that the clerk of the House is appointed under letters patent by His Majesty the King on the recommendation of course of the Prime Minister and the Assistant Clerks are appointed under Signs Manual on the recommendation of the Speaker or in consultation with the Speaker. But things are different in England to what they are here. There the Government is in a majority in the House. The Prime Minister has the same controlling voice and is in the same position in regard to all the Departments of the State. Here we have just the opposite state of things. The Government is an irremoveable Government. It is always in a minority ; of course except on such occasions as it can snatch the votes from one group or another (Laughter) and therefore the Government—that is one of the reasons in fact given in the despatch—want to keep a hold upon the office of the Assembly. Well, I do not see any reason why one Party in the Assembly—and I submit with due deference that the Government has no more importance than any other Party in the House—I should alone have a controlling voice in the office establishment of the Assembly, unless it be of course as Government and not as Members of the House. That is the strongest reason, I submit, why the Department should be entirely separated from

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[Pandit Motilal Nehru.]

the Government as such. The Government is a party in this House just as any other Party. Well, the objection to that I find at page 5 of the despatch, which says :

" The view which the Government of India take is that Members of the Assembly Office, both those now to be transferred from the Legislative Department and also those to be appointed later on to fill vacancies, must all be Government servants."

I do not see any reason, Sir, why they must, but the reason given ' so long as there is a majority in the Assembly, which may at any time be adverse to the Government, and on the support of which the President must depend for his continuance in office,' the men appointed must be Government servants. Now I do hope that no insinuation is made here ; but it seems to me to be something which would strike any reader that the President who owes his office to the vote of the elected Members, was perhaps not considered a suitable person to be put in charge of the office ; but I hope no real insinuation is made here. At the same time I do not understand the logic of this. Why should it be that, because the Government is in a minority, and because the President owes his post to the vote of the majority, therefore the office of the Assembly should remain under the control of the Government, that is to say the minority ? I submit that there is no substantial reason given,—and on the contrary the reasons for entire separation from the Government are overwhelming. Now a difficulty has been created, or rather suggested, in the despatch that you cannot have an independent office ; that it must under the present constitution be linked to some existing Department or included under some portfolio of the Council of the Governor General. I am not aware of any definite rule saying that it must be so. But what is stated is :

" The requirements of the constitution demand that it should be linked with the Imperial Secretariat, and the natural status for it is that of an attached office, that is to say, an office attached to one of the Departments of the Government of India at the head of which will be the Secretary of the Legislative Assembly."

Now, that is an argument which goes to this extent, that the Government of India is a self-contained unit ; that everything pertaining to the Government must belong to some Department or other of the Government ; any Department that is to be established must necessarily, therefore, come within that self-contained thing which is called the Imperial Secretariat. I submit, Sir, that that begs the whole question. That is the very point upon which we differ from the Government. We say that it should be an entirely independent office and not included in the Departments which are under the control of the Government. But in order to obviate this difficulty, the House will be pleased to observe that we have suggested — and this is a result of the conference we had the other day—that the Assembly Department should be included in the portfolio of the Governor General. Now that is a device—I call it only a device, a conventional device—to get over this technical difficulty and will ensure practically complete separation from the Government Departments. Now we know that His Excellency holds other portfolios—for instance, the Foreign and Political Department—and that it is not as it were going out of one's way to ask His Excellency to hold this portfolio ; besides I find that this scheme to a very large extent is actually in vogue in the Punjab where this portfolio is held by the Governor in Council—I mean the Governor—and I do not see any difficulty in

that ; so that the House will see that there can really be no substantial objection to the entire separation of this Department.

Then we come to the question of the appointment of the principal officers and of the subordinate officers. Now, so far as that goes, we have followed, as far as we could under the circumstances, the practice in the House of Commons and we have substituted the Governor General for the King and the President for the Prime Minister. I do not see that we could make any better choice in the matter. We have suggested that the principal officers of the Department should be appointed by the Governor General in consultation with the President. I think that is as near as we can get to the practice in England. Then as regards the other officers, they should be appointed by the President in consultation with the Secretary. There in England, the appointments are made by the Clerk of the House, who has the right to appoint, to suspend and to remove any of the subordinate hands in the office. Here the right is given also to the President, but in consultation with the Secretary. These other members of the establishment shall be liable to be dismissed or otherwise punished by the President in consultation with the Secretary, subject to a right of appeal to the Governor General. Now that is an additional right. The Governor General has the portfolio and in the case of the principal officers the Governor General is also the appointing authority, and it is but natural that the appointing authority should have the right to dismiss and suspend and take other action.

Then we come to the question of expenditure. I will only briefly give you these details In regard to expenditure, as the House is aware, the proposal of the Honourable the President was that the Budget of the establishment should be independent of the Finance Department. Now some technical difficulties were found in that and after a full consideration the conference, to which I have alluded, came to the conclusion that the present arrangement under the circumstances would be followed with a slight variation—that is, that the question of expenditure would be dealt with in the ordinary manner, that is through the Finance Department, but in case of a difference of opinion on any item of expenditure between the President and the Government of India there would be a reference to the Governor General whose decision shall be final.

I do not think I can add very much profitably to what I have already said. I hope the motion will commend itself to the whole House as a very desirable thing in the circumstances in which we are placed. Of course if I had my own way in framing this motion it would be framed in slightly wider terms. But as it is, it is only a beginning and I think it is a good beginning and I beg the House to adopt it.

The Honourable Mr. J. Crerar (Leader of the House) : Mr. President, it is not my intention, for what I think must be obvious reasons, to speak on this matter with anything but extreme brevity. When Government originally decided to accede to what was understood to be the wish of the House that a day should be appointed for a discussion of the general question of the Assembly establishment, the main significance which we attached to such a proposal was that we should have an opportunity of hearing the views expressed by the House on this important question. For that reason

[Mr. J. Crerar.]

I do not intend to enter into the merits either of the scheme which is contained in the Government despatch or of that which is outlined in the motion moved by the Honourable the Leader of the Opposition. I will only ask Honourable Members to take note of the fact that in the proposals which were formulated in the Government of India's despatch Government had quite fully accepted the principle of a separate establishment for the Assembly, and they proposed to give effect to it in such a manner as to them seemed most compatible with the present framework of the constitution and administration. The views of the Government of India in the matter are set forth fully in the despatch and I do not think it would conduce to any great advantage that I should elaborate or recapitulate them. I have only one observation to make and that is that in the passage which the Honourable the Leader of the Opposition quoted regarding the position of Government in this House no insinuation ever was intended or implied. Honourable Members will realize that the circumstances in which this despatch was laid before the House were entirely exceptional, and that course was taken in deference to a strongly expressed opinion. The despatch was of course not written with the intention at the time of its writing that it should be at this stage the subject of a discussion in the House. But I think Honourable Members will do Government the justice to recognize that in taking and in asking the Secretary of State to take this unusual course, they have evinced a genuine and sincere desire to give the House the earliest opportunity of considering the whole matter fully and without prejudice. Well, Sir, the position now is that the proposals of the Government of India are before the Secretary of State. As the House is aware, he has consented to postpone his conclusions till he is in possession of the results of this debate. But it will be recognized that, while the Secretary of State's financial sanction is required in any event to the creation of the proposed new appointments in either alternative, both schemes in their general aspect are matters of very great administrative importance. The Government will now be glad to have before them the opinions elicited in this debate. They will themselves take those opinions into the most careful consideration and will communicate them with as much despatch as possible to the Secretary of State.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, I beg to support the motion made by my Honourable friend, Pandit Motilal Nehru. I do not think I need make a speech in support of that motion, because the necessary part of the correspondence has been given to the House by him. He has also stated the reasons for the difference between the views of the Government of India and that of the President. I would just say a few words as to how the decision embodied in the motion has been arrived at by the different parties represented in this House, because that will make the position clear. This motion is the result of two conferences held by the leaders of the different Parties in this House, with the President, the Deputy President and the Leader of the House. At the first conference we all requested the Government unanimously to let us see the despatch of the Government of India to the Secretary of State on this subject, so that we might be in a position to see the points of difference between the Government and the President about the scheme of separation. I congratulate the Government on their having placed that despatch before this House and thus having enabled us to see that despatch and to form our opinion on the points of difference that existed between the scheme of the

President and the scheme adumbrated by the Government. Since then, Sir, we have had another conference between the same gentlemen in which we considered those points of difference. I presume that the documents relating to this subject have been in the possession of Honourable Members for the last three or four days and that they have gone through them. There is the President's scheme ; there is the despatch of the Government of India to the Secretary of State ; and there are the comments of the President on that despatch. These papers have been published in the form of a blue-book and the despatch to the Secretary of State has been supplied in a separate white paper. The points of difference between the two schemes have been briefly stated by the President on page 14 of the blue book. They are 6 in number. We took each point one by one in the conference we held and gave our opinion on each. The decisions arrived at were unanimous—all the leaders of the Parties agreeing to the recommendations they have made to this House as embodied in this motion. I will briefly state those different points, so that the conclusions which we arrived at may be absolutely clear to all Honourable Members, although they must have already heard those conclusions from their Leaders and I have reason to believe that the Parties have endorsed all that the Leaders' Conference decided.

The first point was, Sir, as to who should be in charge of this portfolio of the separate Assembly Department. The Government of India in their despatch had stated, though not clearly, that the Assembly Department should be attached to some portfolio. The President stated that, if it was necessary that it should be attached to any portfolio, it should be within the portfolio of the Governor General and the Leaders' Conference has adopted that suggestion. Therefore, clause (1) of part (*c*) of this motion disposes of that part of the points of difference.

The second part relates to the appointment of the principal officers of the Department. The only point of difference between the Leaders' Conference and the President on this point was that the President insisted—and he has not yet surrendered his judgment on that point—that the appointment should be made on his recommendation. We have substituted the word " consultation " in the place of " recommendation." That is the only change which we have submitted for the consideration of the Government in the matter.

The third clause stated that these officers could be dismissed or otherwise punished on an address by the Assembly to the Governor General to that effect. We have suggested a material change in that matter. We think that the authority appointing these officers should be the authority to dismiss or punish them. That clause, as it stands now, is divided into two parts : one part relates to the dismissal of these officers, which has been left to the discretion of the Governor General, and the other part relates to the disciplinary action which the President might choose to take in case he considers it necessary. The second part, namely, disciplinary action, has been left in the hands of the President according to this recommendation, while the appointing authority will have the right and the power to dismiss these officers if there is any occasion for that.

The fourth clause relates to the other members of the establishment. The President thought that they should be appointed by the President on the recommendation of the Secretary. That has been practically retained as it is. They can be dismissed or punished by the President in consultation

[Lala Lajpat Rai.]

with the Secretary. The only thing we have added to this is that there should be a right of appeal on the part of the members of the establishment dismissed or punished to the Governor General.

Then there is the sixth point. The dispute was that in case any recommendations for expenditure made by the President at the budget time were reduced by the Finance Department, this House could not increase the amount reduced by the Finance Department when the Budget came before us. Therefore practically the decision of the Finance Department in that matter would be final. We have come to the conclusion that that decision should not be entirely left in the hands of the Finance Department and therefore we have provided in this motion that questions of expenditure should be dealt with in the ordinary manner, but if the Finance Department after scrutinising the recommendation of the Assembly Department, makes a recommendation to reduce the expenditure, then the matter should be referred to the Governor General and his decision will be final.

We have, Sir, given our best consideration to these points and we think that the modified plan proposed in this motion is the best in the interests of this House as well as of public business and also of the Government, and therefore we hope that the united wish of the House, as expressed in this motion, will receive that consideration at the hands of the Government and the Secretary of State which it deserves and that the Government will be good enough to accept this recommendation made by this House. We hope the President also will accept it ; and that thereby this very important matter,—the subject of the separation of the Assembly Department from the Legislative Department—would be settled and settled in a way satisfactory to all parties concerned and in time to give effect to it before the next Session. In the first part of the motion we have said that the scheme should be sanctioned and put into force not later than the 1st December.

With these words, Sir, I support the motion that has been made by my friend, Pandit Motilal Nehru.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, I rise to support the motion moved by the Honourable Pandit Motilal Nehru. The reason why we have a definite motion of this nature is, of course, Sir, as you remember, your happy suggestion, when this subject was under discussion last time, that this question of separation should be considered by various party leaders in consultation with the Honourable the Home Member. We were then told that it was almost certain that the discussion to-day would be one-sided in view of the fact that the Government of India were not prepared on that day to consider the question of making this despatch available to us in the House. The Leaders' Conference requested the Home Member to make an effort, in the name of the Conference, to get the despatch made available to us, and I think it requires to be noted with due appreciation, and indeed our thankfulness to His Excellency the Viceroy that he did comply with this request of that small Conference. We may note with satisfaction the fact that the Secretary of State was also pleased to comply with our request to make the despatch available to us here to-day. I am sure, Sir, that such compliance on the part of the Government of India and the Secretary of State is bound to appeal to us and is bound to make us consider the Government proposals with all the weight that they deserve. If this despatch had

ot been made available to us to-day, you, Sir, know—and I am sure the ouse could imagine—what could have been the use or the utility of the scussion to-day. Thanks to the courtesy extended to this House and to e Leaders by His Excellency the Viceroy and the Secretary of State, e are to-day in a position to know both sides of the case and hence the esolution now before the House.

I feel, Sir, that the Honourable Lala Lajpat Rai has so fully dealt ith each of the six items under (c) in the Resolution that I do not like dwell on them at further length. All that I would like to say is regarding No. (c) (1) of the Resolution. That appeared to me, at any rate, the Conference, to be the crux of the whole question. The question as, and I suppose still is, whether the Assembly want the Assembly ranch or the Assembly Department to continue under either the Legisative Department or any other Department of the Government of India ; r whether they want it to be taken away from all the portfolios and harges of the Honourable Members of the Executive Council. I think he solution that you, Mr. President, suggested, in your letter to the Governent of India, is the best and is certainly a feasible one under even the resent constitution, namely, to hand over that to the portfolio of His Excellency the Governor General. It is quite true that His Excellency he Governor General is not the least busy of the Members of the Cabinet, ut we have precedents for this, and in the Central Provinces and in the unjab, I understand, Sir, that the portfolio of His Excellency the Governor in each of these provinces has responsibility for the respective Legisative Council Departments. These are relevant precedents, and I hould be very much surprised if we were told that this could not be done nder the present constitution in the Central Government. I suggest it o the Government that this is the easiest and perhaps the most suitable anner of getting out of the present difficulty, and I am sure that this Department being under His Excellency the Governor General, there will e the greatest confidence and the utmost reliance by this House in the mpartiality of His Excellency the Governor General. We were told that his may bring His Excellency the Governor General into conflict with he Assembly. I will only say that I hope it will never so happen. His Excellency the Viceroy and Governor General is not generally open to riticism by the Assembly and need not necessarily come into conflict with he Assembly owing to this arrangement. The Assembly realise their esponsibility—until now they have shown that they realise it very fully—nd the closer they are drawn in co-operation with the Government, they will realise it more and, I am rather inclined to think, will give in more to Government views. I am sure that there will be very little chance of His Excellency the Governor General ever clashing with the wishes of the Assembly. I therefore feel that part (c) (1) of the motion is the most important part and I hope that the Government of India and even the Secretary of State will accept this Resolution with the same grace with which they accepted our request that the despatch under discussion be made available to us.

I do not think I need labour any of the other points at length, and I hope that this motion will prove to be another solution made feasible by mutual good-will and confidence on both sides.

Mr. H. G. Cocke (Bombay : European) : Sir, it gives me a large measure of satisfaction to find myself in agreement with my Honourable

[Mr. H. G. Cocke.]

friends, Pandit Motilal Nehru, Lala Lajpat Rai and Sir Purshotamdas Thakurdas. It is not always that we find ourselves in the same Lobby, and we trust that in future there will be many such occasions.

Sir, I hope these meetings of party leaders will form a precedent for the future, as I have no doubt whatever that we can by their means get over very acute difficulties, which difficulties it would be impossible to surmount in this House.

Before I go on to support this motion, I should like to say that while I agree entirely in principle with the motion, I am very anxious to say that we should remember the past services of the Legislative Department in dealing with the affairs of this Assembly. Since I have been in this House, Sir Henry Moncrieff Smith, Mr. Graham and Mr. Wright have occupied the position of Secretary of the Legislative Department, and I feel sure that everybody in this House has received much assistance from those gentlemen from time to time. (Cheers), and, therefore, although it is with regret that I say good bye to them, at the same time I support this motion thoroughly in principle, and I am quite sure that the separation of the Assembly Office is a sound thing to accomplish.

I quite agree with what Sir Purshotamdas Thakurdas has said with reference to (c) (1) of the motion. There is a possibility, if the Governor General is pleased to accept this portfolio, of criticisms of him in this House, but I think that that position should never arise. I certainly think it undesirable in principle that this office should be associated with any Department of the Government of India, whether the particular Member of Council sits in this House or in another place.

With regard to sub-clause (4) of (c), while, Sir, I do not disagree with this provision, I throw out the suggestion that it may be desirable that this sub-clause should be slightly altered, to the effect that the subordinate members of the establishment should be appointed by some body outside your office entirely and outside the Government of India, namely, by the Public Service Commission. That is a point well worthy of consideration. If I were in your Chair, Sir, I should certainly prefer that these appointments be made by some outside authority. I therefore suggest that that matter might well receive consideration between now and the 1st December next.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I also rise to support the Resolution which has been proposed by my Honourable friend, Pandit Motilal Nehru. Sir, generally speaking, separations are sad things, but when it comes to judicial separations, they are sometimes followed by great sensation and heart-burning. It may therefore be considered a supernatural phenomenon if the separation of the office of the Assembly and the Legislative Department is carried into effect with amicable settlement and without any heart-burning. It is now an admitted fact that the separation of the office of the Legislative Assembly and the Legislative Department is very essential and desirable, and therefore this fact need not be argued at all, but the manner and the extent to which the separation should be given effect to is not free from difficulties and

debatable points. While it is extremely desirable that the office of the Assembly should be perfectly independent of outside influence, considering the limitations which are placed on the powers and responsibility of this House, and considering that the Legislative Department is still considered as a creation of the Government of India, it could not have been left entirely by itself and therefore the provision for including it in the portfolio of the Governor General is the only reasonable solution. The other provisions also aim at giving effect to the same fundamental principles, namely, independence from outside influence, it being undesirable to make the Governor General the subject matter of discussion by the Assembly ; the appointment of the principal officers is made subject to consultation with the President of the House.

As regards the appointment of the members of the establishment, it is suggested that they should be appointed by the President in consultation with the Secretary. The main object is that the President also should not be made the subject matter of discussion and questions in the Assembly. We want the Secretary to be the chief executive officer, and while the President will have full control over the officers of the Assembly, in matters of appointment his action should be above suspicion and criticism.

An alternative suggestion has been made by my Honourable friend, Mr. Cocke, that the appointment of other members of the establishment should be handed over to the Public Service Commission, being an independent body. It was also suggested that the President might be entitled to ask the Public Service Commission to recommend a certain number of candidates, out of whom the President may select the right number. These are matters of detail which may be left to be decided by the President and the Governor General.

The chief points for consideration by the Assembly are :

(1) that the Assembly should have a separate independent office ;

(2) that the President of the Assembly as the representative of the House should have full control over the office in order to secure efficiency in the work ;

(3) that having the two above-mentioned points in view, the working of the machinery should be regulated in such a way that both the Governor General and the President should not become subject-matter of discussion and criticism by the Assembly, and it is with a view to achieve this object that the Resolution before the House has been drafted in the form in which it now stands. The Leaders of all the Parties in the House have a strong desire, and rightly too, that nothing should be imported into the discussion of this Resolution of an undesirable nature, and the unanimous desire of the House, expressed in the Resolution, should be conveyed to the Governor General in a dignified manner and in a spirit of moderation and compromise, so that no obstacle may be created in the way of its acceptance.

[Maulvi Muhammad Yakub.]

I think, Sir, that the decision on this scheme, as it has now been laid before the House, should not be delayed for a very long time. The sanction of the Secretary of State, we all know, is not required to the scheme as a whole. The financial sanction of the Secretary of State is required only in the matter of new appointments and, therefore, the scheme, as it is now proposed, can be sanctioned by the Government of India without any delay.

With these remarks, I beg to lend my hearty support to the Resolution. But before I sit down, I wish to pay my humble tribute to you, Sir, for the earnestness, sincerity and ability with which you have tackled this thorny question and the manner in which you have steered it across the stormy waters. Fortunately in Lord Irwin we have a most sympathetic, genial and generous Governor General, always ready and anxious to come to an amicable settlement, and I am sure that no hindrance will be placed in the way of the acceptance of this Resolution so far as His Excellency is concerned. (Cheers.)

Nawab Sir Zulfiqar Ali Khan (East Central Punjab : Muhammadan) : Sir, I have carefully studied the alternative schemes of the Government of India as embodied in their despatch to the Secretary of State and also the scheme submitted by yourself. This controversy which has been simmering for some time has been occupying the anxious attention and consideration of the Members of this House. I need not give the full history of its development, as some of the Party leaders have already given it to the fullest extent. I may say, Sir, that I had the honour of being present at the two conferences held for the purpose of arriving at some harmonious understanding between the Party leaders of this House. What transpired there, I need not recapitulate. There were certain points on which there was difference of opinion, and I think the Honourable the Home Member as a disinterested spectator noticed then that the decision taken at those conferences were taken by a majority. (*An Honourable Member* : "No, no.") You might remember that there was more than one point on which I differed. However, I do not want to import a spirit of controversy into this debate, but would like to emphasise only one or two points. The point now is whether this Department should be directly controlled by His Excellency the Viceroy or whether it should be attached to any Department of the Government of India. I think if His Excellency can afford the time, he may, by accepting this responsibility, provide a very good solution of the present difficulty. But supposing His Excellency does not agree to the proposals formulated by us, that is to say, with regard to his direct control of the Assembly Department, then I think this question remains undecided as to whether this Department should remain as an independent Department, independent of all the Departments of the Government of India, or whether it should remain attached to some Department of the Government of India, say the Legislative Department or the Finance Department. I think, Sir, whatever arrangement may be arrived at, one consideration should not be lost sight of and that is that the identity and the vitality of the different Departments may not be in any way impaired by any action which in deference to the views of the majority may be taken. Of course the country is aware and the House is also aware that the condition of the minorities in the country as well as in this House is one of helplessness.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : Question ?

Nawab Sir Zulfiqar Ali Khan : It is a thing not be questioned. It is a self-evident fact. Therefore, I would emphasise the fact that whatever attitude the Government may adopt with regard to this controversy, they will keep in view the sentiments of the minorities in this House, and I cannot understand how they can be forgetful of the sentiments of the people outside this House.

Mr. C. S. Ranga Iyer : What are those sentiments ?

Nawab Sir Zulfiqar Ali Khan : I do not think I should import any spirit of heat or controversy into this House. But if the Honourable Member is anxious to enquire what those sentiments are, I shall not hesitate to mention them.

Mr. C. S. Ranga Iyer : I should like to know them.

Nawab Sir Zulfiqar Ali Khan : The controversy is evoked by the Nehru Report.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Question ?

Nawab Sir Zulfiqar Ali Khan : Now, Sir, I think that while giving my support to the general provisions embodied in this Resolution, I should say again and again that in the matter of recruitment to the subordinate establishment, care should be taken to consult the Public Service Commission. As the House is already aware, practically all the Departments of the Government of India resort to that body for filling up vacancies in their Departments, and I cannot understand why the Assembly Department which is going to be created anew should be an exception to this procedure.

Mr. C. S. Ranga Iyer : The Honourable Member is talking rubbish.

Mr. President : I hope Honourable Members will not introduce any heat into this controversy.

Nawab Sir Zulfiqar Ali Khan : For your consideration, I will say very clearly that if this procedure—namely, having recourse to the Public Service Commission—is followed, it will redeem the scheme from those chances of friction and unpleasantness which are likely to spring up here later on.

Mr. C. S. Ranga Iyer : The Honourable Member is himself creating friction and unpleasantness here and now.

Nawab Sir Zulfiqar Ali Khan : I am not creating friction, but I am visualising the situation.

Mr. C. S. Ranga Iyer : You are oppressed by vision.

Nawab Sir Zulfiqar Ali Khan : I am only visualising the future situation.

Mr. President : The Honourable Member is entitled to express his own views.

Mr. Jamnadas M. Mehta : But, is this the occasion ?

Nawab Sir Zulfiqar Ali Khan : Therefore, Sir, I think that if the scheme that I have outlined to the House, namely, resorting to the Public

[Sir Zulfiqar Ali Khan.]

Service Commission for the recruitment of the subordinate establishment is followed, you remove those chances of friction and those chances of misunderstanding which are likely to arise ; and I hope the Government will keep it in view. I think this is the unanimous opinion of my Party on this side of the House.

Mr. K. C. Roy (Bengal : Nominated Non-Official) : Sir, as a member of the preliminary conferences which discussed these issues raised in the motion, I give my wholehearted support to the Resolution moved by my Honourable friend, Pandit Motilal Nehru. My speech in part has been already anticipated by my Honourable friend, Sir Purshotamdas Thakurdas and I have very little to say except that I support Mr. Cocke and Nawab Sir Zulfiqar Ali Khan to the extent that the recruitment of the subordinate services may be left to the Public Service Commission. I shall be disclosing no secret if I give out that in informal conference I opposed this item, because the Public Service Commission is yet an infant body and does not command the respect and confidence of the country as much as it should. But, all the same, if the agency of the Public Service Commission would satisfy my Honourable friend, Mr. Cocke, and my old friend, Nawab Sir Zulfiqar Ali Khan, I would most gladly support them.

To me the whole question of separation, Sir, is a mere constitutiona issue. It is not a question for a majority or minority. To me, Sir it is a very essential improvement in our existing constitutional sys tem. The one thing that worries me in the Resolution of the Honourabl the Leader of the Opposition is the use of the expression " principa officers ". My reading of English constitutional history has convince me that there can be only one principal officer and that that principa officer is the President of the House. The Secretary of the House o his deputies can only be mere clerks and executive officers of th House. The principal officer of the House is undoubtedly the President Here I am fortified by no less an authority than Sir John Marriott lately a conservative member for Oxford, the best of contemporar English historians. This is how he defines the position of the Speake of the House of Commons :

" The Speaker has from the very first been the pivot of the parliamentary machin The principal officer of the House is its representative on all ceremonial occasions, th regulator of its procedure, the guardian of its dignity and the President over it debates."

I wish the House to note that the Speaker is described as the princips officer of the House, and if there is going to be a principal officer, he mu be the President of this House and nobody else.

With these small alterations, Sir, in the Resolution which has bee moved by my Honourable friend, Pandit Motilal Nehru, the Resolutio is an ideal one representing the views both of the Honourable the Presider and the Members of Government.

There is another point also, Sir, which has given me food for thoug and that is the relationship of the President in respect of the Governo General. In our constitutional development, I consider it is of the highes importance that the President should be protected by the authority of th Governor General against the encroachments on his rights and the right of the House by the Executive Department of the Government of Indi

Here also I am fortified by the authority of Sir John Marriott. Perhaps, Sir, some of us who have been privileged to witness the election of the Speaker know that His Majesty the King sends a message to the Speaker through the Lord Chancellor and this is how the message runs :

" With respect to yourself, Sir, although His Majesty is sensible that you stand in no need of such assurance, His Majesty will ever put the most favourable construction upon your words and actions."

And occasions may well arise for our President to demand a similar indulgence from His Majesty's representative in this country. Professor Marriott sums up the whole position thus. He says :

" From the 17th century onwards the Speaker has at once been the servant and master of the House."

And if this Resolution is accepted by the House, your position, Sir, will be the same : you will be the servant and master of the House. I therefore commend the proposition to the House.

Mr. President : Do Honourable Members still desire to debate this question further ?

Mr. C. S. Ranga Iyer : I should only like to know, Sir, whether this is an occasion to raise the contentious issues about minorities. I do think it was an unhappy statement that was made specially in this House where minorities have not been trampled under foot.

Mr. President : The question has now been sufficiently debated. The question is :

" This House is strongly of opinion :

(*a*) that a separate Assembly Department should be constituted not later than 1st December, 1928;

(*b*) that the Government of India should take immediate steps to secure the sanction of the Secretary of State to that part of the scheme which requires his sanction ;

(*c*) that the scheme submitted by the President and amended by the Government of India should be modified so as to provide:

(1) that the Assembly Department should be included in the portfolio of the Governor General;

(2) that the principal officers of the Department should be appointed by the Governor General in consultation with the President ;

(3) (*a*) that these principal officers shall be liable to dismissal by the Governor General in consultation with the President ;

(*b*) that other disciplinary action against these officers should be in the hands of the President subject to a right of appeal to the Governor General ;

(4) that other members of the establishment should be appointed by the President in consultation with the Secretary ;

(5) that these other members of the establishment shall be liable to be dismissed, or otherwise punished, by the President in consultation with the Secretary, subject to a right of appeal to the Governor General ;

(6) that questions of expenditure should be dealt with in the ordinary manner, but in case of difference of opinion on any item of expenditure between the President and the Government of India there should be a reference to the Governor General, whose decision shall be final.

The House further requests the President to communicate this opinion to the Governor General for such action as he may be pleased to take."

The motion was adopted.

STATEMENT OF BUSINESS.

The Honourable Mr. J. Crerar (Leader of the House) : With your permission, Sir, I desire to make the following statement as to the probable course of business during the next week. On Monday, the 24th, I shall ask you, Sir, to suspend Standing Order 44 in order to enable me to move that the Public Safety (Removal from India) Bill, as reported by the Select Committee, be taken into consideration. The business in connection with this Bill may be expected to run into Tuesday, the 25th. After questions on Tuesday, the 25th, elections for the Committee of the Department of Commerce and the Committee on the separation of railway finances from the general finances will be held. After the conclusion of the business in connection with the Public Safety (Removal from India) Bill we shall take up on Tuesday or on the following days the following business :

1. A motion to take into consideration the Bill further to amend the Indian Penal Code (Amendment of section 505).
2. A motion to circulate the Bill to amend the Indian Patents and Designs Act.
3. A motion to take into consideration the amendment made by the Council of State in the Bill further to amend the Indian Succession Act, 1925.
4. Resumption of the discussion of the Demand for Supplementary Grant in respect of Railways.

On the conclusion of Government business opportunity will be given to Mr. A. Rangaswami Iyengar to move his motion to take into consideration the Report of the Select Committee on the amendments of the Standing Orders.

Mr. President : The Honourable the Leader of the House has stated he will ask me on Monday to suspend the Standing Orders. The question of suspending the Standing Orders will only arise if any objection is taken.

The Honourable Mr. J. Crerar : Quite so, Sir. If objection is taken.

The Assembly then adjourned till Eleven of the Clock on Monday, the 24th September, 1928.

LEGISLATIVE ASSEMBLY.

Monday, 24th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

ADHERENCE OF INDIA TO THE KELLOGG *Anti*-WAR PACT.

828. ***Mr. C. S. Ranga Iyer** : 1. Will the Government be pleased to state :

(*a*) If it is a fact that the United States Ambassador handed to the Foreign Office of His Majesty's Government in London a Note, dated 23rd May 1928, inviting amongst others the Government of India to become an original party and an original signatory to the Treaty for the renunciation of War ?

(*b*) If any correspondence has passed on the said subject (1) between the Government of India and His Majesty's Government, (2) between the Government of India and the Government of the United States ?

(*c*) If the Government will be pleased to lay on the table the entire correspondence on the subject ? If not, why not ?

2. (*a*) Will the Assembly be given an opportunity to discuss the subject ?

(*b*) If not, why not ?

3. Will a full official statement be made on the matter ?

The Honourable Mr. J. Crerar : 1. (*a*) Yes, Sir.

1. (*b*) and (*c*). 2 and 3. Correspondence has passed between the Government of India and His Majesty's Government and the views of the Government of India were communicated to the United States Government through His Majesty's Secretary of State for Foreign Affairs.

Government do not propose to table the correspondence or to make a fresh official statement, since very full papers have already been published.

As regards discussion in the House, no resolution, so far as I am aware, has been tabled : if one were tabled, it would presumably be for the Honourable the President to decide whether discussion was not admissible under the Rules.

VICE-PRESIDENTS OF CANTONMENT BOARDS ACTING FOR PRESIDENTS, DURING THE ABSENCE OF THE LATTER.

829. ***Pandit Thakur Das Bhargava** : (*a*) Is it a fact that the avowed object of the recent amendment to the Cantonments Act made in 1927 was to afford opportunities to the Vice-President to act as President when the latter was absent from the station ?

(*b*) Is it a fact that as a general rule Vice-Presidents are not afforded the opportunities which the Government policy and Statute intend to secure on account of Executive Officers sending papers to the President while he is out of the station and the President making it a point to be present at the meeting of the Board ?

(*c*) Will Government be pleased to state in which Cantonments, and on how many occasions the Vice-President has acted in place of the President under the combined effect of the provisions contained in section 20 (1) and section 23 (6) of the Cantonments Act ?

(*d*) Are Government prepared to issue instructions and insist that in future the provisions of law and the policy of Government in respect of affording opportunities to Vice-Presidents to act as Presidents are not violated by resort to illegal practices such as sending the papers out to Presidents while they are out of the station ?

Mr. G. M. Young : (*a*) No, Sir. The objects of the amendment, as recorded in the Statement of Objects and Reasons, are to ensure continuity of administration by the President, and at the same time to make it possible for the Vice-President to preside over meetings of the Board from which the President is absent.

(*b*) and (*d*). The Honourable Member appears to be under a misapprehension. In Cantonment Boards, as in any municipal body, it is the duty of the President to attend and preside at meetings, and to carry out his other duties, to the maximum extent possible. The function of a Vice-President is to preside, or act for the President, when the latter is unavoidably absent. Under the Cantonments Act, as it stood before amendment, a Vice-President could never do this, because, in the absence of the real President, for however short a period, another military officer became technically the President.

(*c*) In view of what I have just stated, Government do not think that any object would be served by collecting the information asked for. No interest or significance appears to them to attach to the number of occasions on which the President of a Cantonment Board has been unavoidably prevented from attending a meeting.

RECORDING OF MINUTES OF DISSENT BY MEMBERS OF CANTONMENT BOARDS.

830. ***Pandit Thakur Das Bhargava** : (1) Is it a fact that the Army Department of the Government of India have issued a circular No. 36667-A.D., dated 30th May, 1928, by virtue of which a dissenting member of the Cantonment Board is required simultaneously with his expression of dissent verbally to make a short statement of his reasons for the same ?

(2) Are Government aware that while section 43 (3) of the Cantonments Act authorises a dissenting member to record his dissent with a short statement of grounds it does not make it obligatory on the dissenting member to verbally state his reasons of dissent on the spur of the moment ?

(3) Are Government aware that in practice the requisition contained in the circular referred to above constitutes a great hardship to the non-official members of the Cantonment Board and as dissents may have reference to files and quotations from them, it is next to impossible that dissents may be properly expressed on the spur of the moment ?

(4) Was it the practice before the issue of the circular that dissenting members used to send in the short statement of grounds of dissent within a few days of the expression of such dissent and the same was incorporated in the proceedings of the Board ?

(5) Has the All-India Cantonment Association strongly protested against the circular and characterized it as a move to undo the reform in the Cantonment administration ?

(6) Do Government propose to recall the circular or amend the law in this behalf so as to afford a genuine opportunity to a dissenting member to record his minute of dissent ?

Mr. G. M. Young : (1) No, Sir. The circular stated that what the law required to be entered in the minutes was not a minute of dissent, but the fact of a member's dissent, together with a short statement of the grounds for such dissent. It went on to say that the proper way of complying with this requirement was for the President, if so required by the dissenting member, to enter on the record at the meeting the fact that the member dissented and a short statement of his reasons as verbally stated by the member in opposing the majority decision.

(2) Yes, Sir. A member of a Cantonment Board has a right to have his dissent recorded together with a short statement of the grounds for such dissent, but under the existing procedure his views are voiced and recorded in precisely the same way as the views of the majority.

(3) Government cannot agree that the position is as stated by the Honourable Member. It may be necessary to read papers before a meeting in order to oppose a motion at a meeting. The Honourable Member appears to suggest that, after a resolution has been passed and entered in the minutes of the meeting, and the proceedings are complete, a dissenting member should be given the opportunity to consult papers at his leisure and prepare a subsequent minute of dissent for insertion in the proceedings. I am not aware that this procedure obtains in any municipal body.

(4) Government understand that this was the practice in Ambala, but, if so, it was not strictly legal.

(5) Government have received a representation from the Association.

(6) No, Sir. The existing procedure is the normal one, and in the opinion of Government affords due facilities for recording dissent.

GRANT OF JOINING TIME TO MEMBERS OF THE TELEGRAPH OFFICE, SIMLA, DURING THE MOVE BETWEEN SIMLA AND DELHI.

831. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it fact that the officials and clerks employed under the Government of India and moving between Simla and Delhi are given joining time under the Simla Allowance Code ? If not, under what code do they enjoy this privilege ?

(*b*) Is it a fact that the Honourable Member in charge of Industries promised to amend the joining time rules applicable to the Government Telegraph Office, Simla ? If so, what amendment has been made and what was the joining time allowed during the move 1927-28 ?

(*c*) If Government have not amended the rule already when do they propose to do so ?

The Honourable Mr. A. C. McWatters : (*a*) Yes, under the Simla Allowances Code.

(*b*) No such promise can be traced. The Honourable Member's attention is drawn to the reply given on the 13th September, 1927, to Mr. Joshi's unstarred question No. 113. Since that reply was given, the general rule regarding joining time in the Supplementary Rules has been added to by a provision allowing an authority ordering a transfer to reduce the period of joining time admissible, in special circumstances. In the exercise of this power the joining time of the staff in question was limited to 5 days for the move of 1927-28. This is the same as would be admissible if the Simla Allowances Code were applied to their case.

(*c*) Government do not propose to alter the rules further.

REPLACEMENT OF THE NALDI BRANCH POST OFFICE IN THE DISTRICT OF JESSORE BY A SUB-OFFICE.

832. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the inhabitants of some eight villages under the jurisdiction of the Naldi Branch Post Office in the District of Jessore, Bengal, sent petitions to the Post Master General through the Divisional Superintendent praying for the replacement of the said Branch Office by a Sub-Office respectively on 14th February 1927, 7th March 1927, 2nd April 1927, 25th June 1927, 29th December 1927, 1st February 1928, 21st February 1928, 7th May 1928, 25th June 1928, and 5th August 1928 ?

(*b*) Is it a fact that no notice has been taken of nor any reply vouchsafed to these repeated petitions ?

(*c*) If the replies to (*a*) and (*b*) are in the affirmative will the Honourable Member kindly explain the reasons therefor ?

(*d*) Will the Honourable Member be pleased to lay on the table copies of the said petitions ?

(*e*) Do Government intend taking any steps in the matter and if so, when ?

The Honourable Mr. A. C. McWatters : The Government has no information in the matter. An enquiry has now been made and the decision arrived at will be communicated to the Honourable Member in due course.

EARNINGS OF COMPOSITORS OF THE GOVERNMENT OF INDIA PRESSES.

833. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the Government of India Resolution No. A.-31, dated the 15th July 1920, stated that the compositors of the Government of India Presses used to earn from Rs. 35 to Rs. 90 according to old class rates ?

(*b*) Is it a fact that by the said Resolution an increment of 40 per cent. was given to all the workers in the Government of India Presses ?

(*c*) Is it a fact that according to the rates of increment given by the Government, the earnings of the compositors work out at from Rs. 49 to Rs. 126 ?

(*d*) Is it a fact that the clerks in the Government of India Presses are getting regular and systematic increments while the earning of the compositors is diminishing day by day ?

(*e*) Will the Honourable Member in charge be pleased to lay on the table a comparative statement on the point showing therein the earnings of the :

(1) Head Assistants (Calcutta, Aligarh, Delhi, Simla, respectively),

(2) Personal Assistants (Calcutta, Aligarh, Delhi, Simla, respectively),

(3) Head Clerks and any other five clerks (Calcutta, Aligarh, Delhi, Simla, respectively),

(4) Head Computor and any other five Computors (Calcutta, Aligarh, Delhi, Simla, respectively),

(5) Any three Compositors of :

(*i*) Class 6 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*ii*) Class 7 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*iii*) Class 8 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*iv*) Class 9 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*v*) Class 10 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*vi*) Class 11 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*vii*) Class 12 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*viii*) Class 13 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*ix*) Class 14 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*x*) Class 15 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*xi*) Class 16 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*xii*) Class 17 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*xiii*) Class 18 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*xiv*) Class 19 (Calcutta, Aligarh, Delhi, Simla, respectively),

(*xv*) Class 20 (Calcutta, Aligarh Delhi, Simla, respectively),

giving the name of each employee, before 15th July, 1920 and from January to June, 1928 ?

(*f*) If the reply to (*d*) is in the affirmative, do Government propose to consider any scheme of revision for proper readjustment of the earnings of the two kinds of employees, (1) clerks, and (2) compositors ?

The Honourable Mr. A. C. McWatters : (*a*), (*b*) and (*c*). The attention of the Honourable Member is invited to the reply given on the 23rd August, 1926, to parts (*a*), (*b*) and (*c*) of the Honourable Srijut Lokenath Mukherjee's question No. 69 in the Council of State.

(*d*) The clerks in the Government of India Presses are on time scales of pay. The compositors in the Government of India Presses, Simla and Aligarh, are on fixed monthly rates of pay, while the compositors in the Calcutta and Delhi Presses are paid on piece rates. So far as I am aware, the earnings of the compositors in these presses are not diminishing.

(*e*) Government regret that they cannot undertake to collect the information asked for in so far as it could be collected as it would entail an amount of time and trouble out of proportion to its value. I would add

that a number of the men for whom particulars are required are non-existent.

(*f*) Does not arise.

MEMORIAL OF THE PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

834. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that all the piece employees of the Government of India Press, Calcutta, sent a memorial to the Honourable Member in charge on the 7th instant against the orders passed on the 21st June, 1928 ?

(*b*) Is it a fact that they have shown therein that the said orders have not benefited any of the workers concerned ?

(*c*) Will the Honourable Member be pleased to lay on the table a copy of the said memorial ?

(*d*) If the reply to (*b*) is in the affirmative, will the Honourable Member be pleased to state what the Government contemplate doing in this matter ?

(*e*) Is it a fact that Mr. C. T. Letton, late Manager of the Government of India Press, Calcutta, strongly recommended the salient points raised in the memorial submitted by the piece-workers of the Government of India Press, Calcutta on the 18th December, 1926 to the Honourable Sir B. N. Mitra, the then Member in charge of the Department of Industries and Labour ?

(*f*) If the reply to (*d*) is in the affirmative, will the Honourable Member lay on the table a statement of those recommendations showing therein how far they have been acted upon, and if not, why not ?

The Honourable Mr. A. C. McWatters : (*a*) to (*d*). Government have received a copy of the memorial direct from the piece employees of the Government of India Press, Calcutta. The points raised therein will be duly considered after the memorial is received through the Controller of Printing and Stationery. Government do not propose to lay on the table a copy of the memorial.

(*e*) and (*f*). The memorial presented by the piece-workers of the Government of India Press, Calcutta, in 1926, was considered in consultation with the Controller of Printing and Stationery, but Government are unable to disclose the views expressed by the Controller on this memorial.

CLASSIFICATION OF PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESSES.

835. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it not a fact that in his speech in reply to the Honourable Mr. G. S. Khaparde on the debate in the Imperial Council on the 14th September, 1920, in connection with the latter's Resolution for a committee to investigate and report on the causes of the troubles in Government Presses in Simla, Delhi, and Calcutta, the Honourable Sir Thomas Holland said that in the piece-rate system " an annual classification of workers is obtained automatically " ?

(*b*) Is it not a fact that this " automatic " classification has remained postponed since 1922 ?

(*c*) Is it not a fact that it is only in June last that the workers have got a two-class promotion when they should have got a six class promotion ?

(*d*) If the replies to (*a*), (*b*) and (*c*) are in the affirmative will the Honourable Member be pleased to give the reasons therefor ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) The annual classification has been kept in abeyance since 1922, as the time rates of piece-workers were inflated to an extravagant extent owing to the fact the piece-workers were able to do piece-work against which no hours were credited.

(*c*) and (*d*). The object of the old classification was to secure, as far as possible, correspondence between a worker's rate of earning on piece work and his rate of remuneration for time work. It did not necessarily involve the promotion of each individual by one class every year. The postponement of the classification had not, therefore, the effect of depriving the piece-workers of six class promotions as assumed by the Honourable Member. The new scheme for classification which was introduced with effect from the 1st July, 1928, is a system whereby most of the workers should be able to secure a rise in their classification every second year ; and piece-workers who were in employment on the date of the last classification got an immediate promotion of two classes.

PAYMENT FOR MEAL AND PRAYER INTERVALS TO THE PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESSES.

836. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it not a fact that the piece-workers of the Government of India Presses were allowed meal, tiffin and prayer hours which were counted and paid for at time-scale rates previous to the orders, dated the 21st June, 1928 ?

(*b*) Is it not a fact that Mr. F. R. R. Rudman in his notice to press workers, dated Simla, the 30th July 1920, upheld the previous practice of allowing meal, tiffin and prayer hours (not exceeding a total of one hour per diem) to piece-workers, when employed on time work, and paying therefor at class rates ?

(*c*) Is it not a fact that the Honourable Sir Thomas Holland in his speech in the Imperial Council on 14th September 1920 said that the Government have allowed meal hours to be counted and to be paid for at time-scale rates ?

(*d*) If the reply to (*b*) and (*c*) is in the affirmative will the Honourable Member be pleased to lay on the table a copy each of the said orders and the speech adding the reasons for the recent withdrawal of the concessions so long enjoyed by the workers ?

(*e*) Will the Honourable Member be pleased to give a comprehensive statement of the loss to the workers of the Government of India Presses at Calcutta, Delhi, Simla and Aligarh and the consequent gain to the Government that the withdrawal of the aforesaid concessions would effect ?

(*f*) Will the Honourable Member be pleased to state to which account the sum thus obtained by the Government will be credited ?

The Honourable Mr. A. C. McWatters : (*a*) Prior to the issue of the orders dated the 21st June, 1928, payment for meal intervals was made at time rates only to piece-workers who were in employment before the 1st

November, 1922, when they happened to be working on time. Payment for prayer intervals on Fridays was also allowed to Muhammadan piece-workers at time rates.

(*b*) The notice of the 30th July, 1920, referred to payment for meal and rest intervals and not to prayer intervals.

(*c*) Yes.

(*d*), (*e*) and (*f*). A copy of the orders referred to will be forwarded to the Honourable Member. The system of payment for the intervals referred to has never rested on any logical basis, and Government took the opportunity to abolish it at a time when they were giving concessions to the piece-workers which, in the aggregate, involved the disbursement of much larger sums than were formerly paid for meal and prayer intervals. The changes made thus involved increased expenditure to Government and not a saving.

AMOUNT SANCTIONED IN THE BUDGET OF 1928-29 FOR THE PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS, CALCUTTA.

837. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it not a fact that the Budget of 1928-29 sanctioned Rs. 38,900 for the piece employees only of the Government of India Press, Calcutta ?

(*b*) If so, will the Honourable Member in charge be pleased to state the amount spent for the compositors, distributors, and binders and impositors severally ?

(*c*) Is it not a fact that a fine fund (compassionate fund) in the Government of India Press was started in April 1922 ?

(*d*) If the reply to (*c*) is in the affirmative, will the Honourable Member be pleased to state how the fines collected before the starting of the fund in 1922 were spent and whether due accounts were kept of the same and the amount collected since 1875 to 1st April 1922 had been administered ?

The Honourable Mr. A. C. McWatters : (*a*) The total budget provision for the piece establishment of the Government of India Press, Calcutta, during 1928-29 is Rs. 3,45,204 and not Rs. 38,900 as stated by the Honourable Member.

(*b*) I am not sure for what period the information is required by the Honourable Member. If it is for the year 1928-29 the figures can only be supplied after the close of the financial year.

(*c*) Yes.

(*d*) Before the 1st April, 1922, fines were not collected separately, but were recovered by stoppages from pay and consequent short drawings from the treasury.

EMPLOYMENT OF IMPOSITORS IN THE GOVERNMENT OF INDIA PRESSES ON THE PIECE-RATE SYSTEM.

838. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the orders of the Government of India, dated the 21st June, 1928, have often referred as precedents to the system followed in the Bengal Government Press ?

(*b*) Is it a fact that the impositors in the Bengal Government Press are salaried hands whereas the impositors in the Government of India Presses work on the piece-rate system ?

(*c*) If the replies to (*a*) and (*b*) are in the affirmative will the Honourable Member be pleased to state the reasons therefor ?

The Honourable Mr. A. C. McWatters (*a*) Reference was made in the orders, dated the 21st June, 1928, only to the rates for hand composition in the Government of Bengal Press, which have been adopted by the Government of India.

(*b*) The impositors in the Bengal Government Press are salaried hands. The impositors in the Government of India Presses are piece-workers in Calcutta and Delhi.

(*c*) The Government of India consider that the piece-rate system is more suitable for impositors in their Calcutta and Delhi Presses. They are not aware of the reasons for the payment of impositors by salaries in the Bengal Press.

REVISION OF THE RATES FOR PIECE-WORKERS IN THE GOVERNMENT OF INDIA PRESSES, ETC.

839. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member be pleased to state on how many occasions the rates for piece-workers in the Government of India Presses have been revised, and how many times the piece-workers have gone on strike since 1875 and by what percentage have their rates been increased at each revision ?

(*b*) Is it a fact that before the war the compositors in the Government of India Presses were getting 2|5th of the London rate and that after the war they are getting 1|5th of the London rate ?

(*c*) If the reply to (*b*) is in the affirmative, will the Honourable Member be pleased to state whether the earnings of the said employees have come down, and if so, to what extent ?

(*d*) If the replies to (*b*) and (*c*) are in the affirmative, will the Honourable Member be pleased to state the reasons therefor ?

The Honourable Mr. A. C. McWatters : (*a*) The attention of the Honourable Member is invited to the reply given on the 26th September, 1921, in the Council of State to question No. 160 by Maharaja Sir Manindra Chandra Nandy of Kasimbazar. No general revision of piece rates has been effected since 1921, but the rates for hand composition have recently been increased. There has been no strike since 1920.

(*b*) The Government of India have no definite information. The conditions of service in London and Calcutta are so different that a comparison of rates would be misleading.

(*c*) This does not strictly arise ; but if there has been any increase in the disparity between London and Calcutta rates, it is not due to reductions of rates in Calcutta.

(*d*) Does not arise.

DEDUCTIONS ON ACCOUNT OF BLANKS IN SOLID MATTER FROM THE WAGES PAID TO THE EMPLOYEES IN THE GOVERNMENT OF INDIA PRESSES.

840. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that deductions on account of blanks in solid matter obtain in the Government of India Presses whereas no such deductions take place in the Bengal Government Press ?

(*b*) If the reply to (*a*) is in the affirmative will the Honourable Member be pleased to give the reasons therefor ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). An enquiry is being made and the result will be communicated to the Honourable Member in due course.

EARNINGS OF BINDERS IN THE GOVERNMENT OF INDIA PRESSES.

841. ***Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that the earning of the binders in the Government of India Presses is diminishing day by day ?

(*b*) Is it not a fact that since the introduction of the piece system in 1875 up to July, 1924, the binders were paid by the hour for preparing maps, plans and diagrams ?

(*c*) Will the Honourable Member be pleased to state the reasons why and the rules according to which, subsequently to July, 1924, payment by rates has been introduced ?

(*d*) Is it a fact that formerly leather was used in binding while now cloth is used in its stead ?

(*e*) Is it a fact that in consequence more labour as well as time have to be spent than before, while the rates have also been diminished ?

(*f*) Will the Honourable Member in charge be pleased to lay on the table a comparative statement showing therein what a worker previously got for binding 100 copies in leather and what he now gets for the same in cloth ?

(*g*) Is it a fact that the juniors alone are paid by the hour and never the seniors ?

(*h*) If the reply to (*g*) is in the affirmative, will the Honourable Member be pleased to state the reasons therefor ?

(*i*) Will the Honourable Member be pleased to lay on the table a comparative statement showing the earnings of any five binders of the Government of India Presses in Calcutta and at Delhi of class (*ix*) to (*xviii*) severally, and noting the name of each, from January to May, 1924, and from January to May, 1928, month by month ?

The Honourable Mr. A. C. McWatters : (*a*) No. The binders in the Government of India Presses at Delhi, Simla and Aligarh are salaried hands, so that it is impossible for their earnings to diminish day by day. In Calcutta they are paid at the piece-rates, and there has been no reduction in the piece-rates.

(*b*) Yes.

(*c*) I would refer the Honourable Member to the reply given to the Honourable Mr. Khaparde's question No. 40 on 25th August, 1925, in the Council of State.

(*d*) to (*h*). Enquiries are being made and the result will be communicated to the Honourable Member in due course.

(*i*) The information asked for by the Honourable Member would require much time and trouble to collect, but I shall endeavour to have a comparison made of average earnings of a number of men in 1923-24 and 1927-28 and inform the Honourable Member of the result.

AMOUNT SPENT ON ACCOUNT OF AS WELL AS THE AMOUNT RECEIVED FROM THE SALE OF COMPOSING MATERIALS BY EACH OF THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA, DELHI AND SIMLA.

842. ***Mr. Satyendra Chandra Mitra** : Will the Honourable Member-in-Charge be pleased to lay on the table a statement showing the amount separately under each head, as far as practicable, year by year from 1922 to 1927 spent by the Government of India Presses at Calcutta, Delhi and Simla on account of as well as the amount received from the sale of :

(*i*) Composing materials like spirits, petrol, rope, terpentine, brush, molasses, flower, coal, composing racks, composing cases, and

(*ii*) shooting brass ?

The Honourable Mr. A. C. McWatters : The information desired by the Honourable Member is not readily available, but will, as far as it can be collected without an undue amount of labour and difficulty, be supplied to him.

NUMBER OF MACHINES PURCHASED AND SOLD BY THE GOVERNMENT OF INDIA PRESSES AT CALCUTTA, DELHI, SIMLA AND ALIGARH, FROM 1922 TO 1927.

843. ***Mr. Satyendra Chandra Mitra** : Will the Honourable Member be pleased to state the number of machines such as printing, typefoundry, hand-press lino. and mono. machines purchased by the Government of India Presses at Calcutta, Delhi, Simla and Aligarh, from 1922 to 1927, year by year with dates and prices as well as the number of such machines sold during the said period with dates of purchase and sale, original prices and the sale prices ?

The Honourable Mr. A. C. McWatters : Even if all the particulars required by the Honourable Member are now available, it would not be possible to supply them without an amount of research which would be incommensurate with the results. But if particulars can be readily secured of the number of machines of the kinds mentioned purchased and sold between 1922 and 1927 with the prices paid and realized they will be supplied to the Honourable Member.

CONSTRUCTION OF HIGH LEVEL PLATFORMS ON THE STATIONS ON THE LINE FROM CHANDPUR TO BIJNORE, EAST INDIAN RAILWAY.

844. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that on the railway line which is being constructed from Chandpur to Bijnore on the East Indian Railway, in Rohilkhand, all the platforms on the stations are being constructed very low ?

(*b*) Are Government aware that such platforms are highly inconvenient to the passengers, specially Indian ladies ?

(*c*) Are Government aware that a memorial signed by the public of the locality was submitted to the Agent, East Indian Railway, through the District Magistrate of Bijnore, but that the Agent paid no heed to the matter ?

(*d*) Do Government propose to move the Agent in the matter and direct the construction of raised platforms on the line mentioned above ?

Mr. A. A. L. Parsons : (*a*) to (*d*). It is a fact that rail level passenger platforms are being constructed on the Chandpur-Bijnore line. The usual

practice on new lines is to provide such platforms at all stations other than those of considerable importance until the growth of traffic justifies the construction of high level platforms.

Mr. C. S. Ranga Iyer : Sir, I do not want to put questions Nos. 845 and 846. I put question No. 847.

†845* & 846*.

NUMBER OF STIPENDIARY SCHOLARS SELECTED AND TRAINED FOR ARCHÆOLOGICAL WORK DURING THE LAST TWO YEARS.

847. ***Mr. C. S. Ranga Iyer** : (*a*) Will Government be pleased to state the number of stipendiary scholars selected and trained by them for Archæological work during the last two years ?

(*b*) What is the purpose and object in selecting and training such scholars at the public expense ?

(*c*) What is the procedure by which these scholars were selected ?

(*d*) What is the number of candidates who applied for selection ?

(*e*) When did this selection take place ?

(*f*) Were Government satisfied at the time the selection was made that those selected by them were the best available among those who offered themselves for selection ?

TRAINING OF INDIANS FOR ARCHÆOLOGICAL WORK.

848. ***Mr. C. S. Ranga Iyer** : (*a*) Will Government be pleased to state the authority under whom stipendiary scholars selected for Archæological work are being trained, and the reports they have from time to time received of their progress ?

(*b*) Is it a fact that before they were appointed to scholarships, the selected scholars were required to produce certificates of medical fitness such as are produced by those entering Government service ?

(*c*) Were the selected scholars called by Government or their agency for a personal interview before their final selection was confirmed ?

(*d*) Do Government propose to provide their trained scholars with careers if and when any are available, in preference to those not trained by Government ?

(*e*) Are Government aware of any recognised non-official institution in India which offers equal facilities for practical training in Indian Archæology such as are available under their own auspices ?

(*f*) Is it a fact that several Indian States, Museum Committees and some Colonial Governments find it necessary from time to time to have their candidates trained and recommended by the Archæological Department under it, before appointing them to posts of responsibility ?

NUMBER OF INDIAN OFFICERS APPOINTED TO THE ARCHÆOLOGICAL SURVEY OF INDIA WITHOUT FIRST UNDERGOING TRAINING IN SURVEY WORK.

849. ***Mr. C. S. Ranga Iyer** : (*a*) Will Government be pleased to state the number of Indian officers in the Archæological Survey of India

†Not put by the Honourable Member, Mr. C. S. Ranga Iyer.

excluding the Epigraphic and Architectural Branches, who were appointed without being first required to undergo training in the Survey itself ?

(*b*) Do Government intend to select more scholars for training in Archæological methods in the near future ?

(*c*) If answer to part (*b*) be in the affirmative, will Government kindly state :

(*i*) the necessity for selecting more scholars when those already selected and under training have not been absorbed in the service of the Archæological Department : and

(*ii*) the manner in which the new scholars will be selected, trained and ultimately employed by Government ?

VACANCIES IN THE ARCHÆOLOGICAL SURVEY OF INDIA.

850. ***Mr. C. S. Ranga Iyer** : (1) (*a*) Will Government kindly state the number of posts that remained vacant in the Archæological Survey during the last three years, giving the length of time for which each remained vacant ?

(*b*) What is the number of posts now lying vacant or likely to fall vacant during the next twelve months ?

(*c*) Have Government ready means of filling these posts as soon as they fall vacant ?

(2) (*a*) If the answer to (*c*) above be in the negative, will Government kindly state how they propose to remedy this defect in the organisation of its Archæological personnel ?

(*b*) Do long term vacancies in the Archæological Survey leave the efficiency and continuity of that Department's work unimpaired ?

(*c*) Have Government any objection to obtaining the consent and approval of the Public Service Commission, if that is at all necessary, to appoint the scholars whom they have already selected and trained to emergent or permanent vacancies that occur in the Archæological Survey subject always to the report of the expert authority which trains such scholars ?

(*d*) How long do Government propose to detain the present scholars in training and what is the understanding as to their future prospects ?

Mr. G. S. Bajpai : With your permission, Sir, I shall answer questions 847, 848, 849 and 850 together. Enquiries are being made and the information asked for will be communicated to the Honourable Member in due course.

RECRUITMENT OF APPRENTICES AND SCHOLARS FOR TRAINING IN TECHNICAL AND SCIENTIFIC DEPARTMENTS.

851. ***Mr. C. S. Ranga Iyer** : Will Government kindly state the procedure they sanction for :

(*a*) recruiting apprentices and scholars for training in technical and scientific departments with a view to their ultimate employment in the superior posts of those departments : and

(*b*) appointing such apprentices and scholars to regular service after their training is favourably reported on by those technically competent and responsible for imparting such training ?

The Honourable Mr. A. C. McWatters : I am afraid it is not possible for me, in an answer to a question, to give any adequate description of the various apprenticeship schemes in force. If the Honourable Member is interested in a scheme applicable in any particular department, I shall endeavour to obtain particulars for him. Ordinarily apprentices do not receive a guarantee of an appointment under Government.

CONSTRUCTION OF OVERBRIDGES OR UNDERBRIDGES AT THE LEVEL CROSSINGS NEAR GUNTUR, TENALI AND NELLORE STATIONS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

852. ***Mr. B. P. Naidu** : (*a*) Are the Government aware that considerable public inconvenience is being caused by frequently keeping the gates shut at the level-crossings adjacent to and on the south of the Madras and Southern Mahratta Railway stations of Guntur, Tenali and Nellore ?

(*b*) If so, when do the Government propose to obviate this inconvenience by putting up either over-bridges or under-bridges, whichever are feasible, at those level crossings ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government have received no complaints, nor apparently has the matter been raised by the Local Advisory Committee. They are sending a copy of the Honourable Member's question to the Agent.

CONSTRUCTION OF WAITING SHEDS AT SINGARAYAKONDA, TETTU, TALAMANCHI AND KODAVALUR STATIONS ON THE MADRAS AND SOUTHERN MAHRATTA RAILWAY.

853. ***Mr. B. P. Naidu** : (*a*) Are the Government aware that much suffering is caused to third class passengers for want of waiting sheds at Singarayakonda, Tettu, Talamanchi and Kodavalur stations on the Madras and Southern Mahratta Railway ?

(*b*) Are there any proposals for the construction of these sheds in the immediate future at the above stations ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government have no information. As I have explained before, the provision of waiting rooms and sheds is a matter which we leave to the Agents. I am, however, sending a copy of the Honourable Member's question to the Agent of the Madras and Southern Mahratta Railway.

PROVIDENT FUND FOR GOVERNMENT EMPLOYEES.

854. ***Mr. M. K. Acharya** : With reference to starred question No. 91 and answer thereto, dated 3rd February 1927, on the subject of Provident Fund for Government employees, will Government be pleased to say :

(*a*) whether Government are aware that the matter has been before them since 18th February, 1924, when a Resolution on the subject was moved in the Council of State by the Honourable Mr. S. Vedamurti ;

(*b*) whether Government have come to any conclusions on the said matter ; and if not, will Government make a statement on the stage of consideration which the matter has reached ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) I would refer the Honourable Member to the latter part of the reply given to question No. 448 asked by Khan Bahadur Makhdum Syed Rajan Baksh Shah in this House on the 11th of this month. The scheme referred to therein is the outcome of the Resolution moved by the Honourable Mr. Vedamurti in the Council of State on the 18th February, 1924.

Mr. M. K. Acharya : When may we expect the Government to give us an early reply in the matter ?

The Honourable Sir Bhupendra Nath Mitra : I did not quite catch the Honourable Member.

Mr. M. K. Acharya : When may we expect the Government to give us an early reply in the matter referred to in the question ?

The Honourable Sir Bhupendra Nath Mitra : I have already said, Sir, I think, in replying to a question by Khan Bahadur Makhdum Syed Rajan Baksh Shah, that a particular scheme is now engaging the consideration of the Government.

EDUCATION OF THE UNTOUCHABLES AND OTHER DEPRESSED CLASSES.

855. ***Rao Bahadur M. C. Rajah** : (*a*) Will the Government be pleased to state, if they have issued directions to all Local Governments to provide facilities for the education of the untouchables and other depressed classes in accordance with the Resolution passed on the 23rd February, 1928, by the Legislative Assembly ?

(*b*) if the answer to the above is in the negative, do they propose to issue instructions immediately ?

(*c*) If the answer to the above is in the affirmative, will they be pleased to state what reply they have received since then from the various Local Governments ?

Mr. G. S. Bajpai : (*a*) The attention of the Honourable Member is invited to the reply given to a similar question asked by Pandit Thakur Das Bhargava in the Legislative Assembly on the 17th September.

(*b*) Does not arise.

(*c*) Only two Local Governments have so far replied. It is the intention of Government when all the replies are in to place a summary on the table of the House for the information of Honourable Members.

AMELIORATION OF THE CONDITION OF THE DEPRESSED CLASSES.

856. ***Rao Bahadur M. C. Rajah** : (*a*) Will the Government be pleased to state what is being done at present throughout India with regard to the amelioration of the condition of the depressed classes ?

(*b*) If Government are not in possession of the information, do they propose to call for the information and place it on the table ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). As the Honourable Member is aware the matter is one primarily for the Local Governments. The Government of India have every reason to believe that Local Governments are alive to the importance of the question of the amelioration of the condition of depressed classes and are taking steps in various directions to achieve this object.

OPENING OF A RAILWAY STATION TO THE WEST OF HALLA IN SIND.

857. ***Mr. Lalchand Navalrai** : (*a*) Has the attention of Government been drawn to a contribution published in the *Sind Observer*, Karachi, dated 3rd September 1928 under the heading ' Sind Feeder Lines ' referring to the demand of the Halla citizens for a station on the western side and their petition signed by several Hindus and Muhammadans to the Commissioner in Sind asking for a railway station to be opened to the west of Halla ?

(*b*) Do Government propose to undertake enquiries into the matter and be pleased to see their way to take necessary action for the convenience of the western side of Halla ?

Mr. A. A. L. Parsons : (*a*) Government have not seen the article referred to.

(*b*) I imagine the Commissioner in Sind will have referred the matter to the Agent, North-Western Railway, if he thought it desirable. In any case, I will send a copy of the Honourable Member's question to the Agent in order to draw his attention to the matter.

Mr. Lalchand Navalrai : I have a copy with me, and if the Honourable Member desires to see it I can give it to him now.

Mr. A. A. L. Parsons : I should be very glad to see the article.

(A copy of the article was handed in.)

CONVERSION OF INDIA INTO A GREAT EASTERN MILITARY DEPÔT FOR THE BRITISH.

858. ***Mr. Gaya Prasad Singh** : (*a*) Is there any proposal of converting India into a great Eastern Military Depot for the British, analogous to the Singapore Naval Base, and of reducing the Indian Army into a mere territorial force ?

(*b*) Is there any proposal to organise a permanent force in India, available for use at any time in any part of the Far East, and that the control of such a force would vest in the War Office in London, and not in the Government of India ; and that the cost of such a force is to be borne by contributions from the Dominions, the Indian Government, and the Indian Princes ?

Mr. G. M. Young : The answer to both parts of the question is in the negative throughout.

Mr. Gaya Prasad Singh : Are Government aware that statements to this effect appeared in the Press, and they were not contradicted at the time ?

Mr. G. M. Young : I was not aware until now that rumours of this kind had obtained currency in the Press. I must express my indebtedness

to the Honourable Member for giving me an opportunity to contradict them now.

REDUCTION OF INDIAN REPRESENTATION IN THE MUNICIPALITY AT NAIROBI, ETC.

859. ***Mr. Gaya Prasad Singh** : Will Government kindly state if one of the recommendations of the Feetham Report on Kenya is that Indian representation in the Municipality at Nairobi be reduced ? What are the other recommendations in the Report adversely affecting the Indian community, and what steps have Government taken in the matter ?

Mr. G. S. Bajpai : The attention of the Honourable Member is invited to the answers given by me to Pandit Hirday Nath Kunzru's questions Nos. 124—126 asked on the 6th February, 1928.

APPOINTMENT OF AN INDIAN REPRESENTATIVE PERMANENTLY AT GENEVA.

860. ***Mr. Gaya Prasad Singh** : (*a*) Is it not a fact that the Government of India delegates to the World Economic Conference at Geneva, had recommended the permanent appointment of an Indian representative at Geneva ?

(*b*) Have Government selected any such representative, and when is the appointment likely to be filled up ?

Mr. L. Graham : (*a*) Yes.

(*b*) The Honourable Member's attention is invited to the reply given on the 8th instant to starred question No. 260 by Mr. N. M. Joshi.

PROTECTION OF THE RAILWAY LINE AT RAMESWARAM FROM SAND DUNES, ETC.

861. ***Mr. Gaya Prasad Singh** : (*a*) Will Government kindly state what project has been finally adopted to protect the railway line at Rameswaram (South India) from sand dunes, without adding to the trouble and inconvenience of the pilgrim traffic ?

(*b*) Is it a fact that the Agent of the South Indian Railway submitted a proposal for the diversion of the present alignment between Pamban and Rameswaram towards the north, with a new Rameswaram station, which will be only within two furlongs of the famous temple, and of the main part of the town ? If so, when will this scheme be taken in hand ?

Mr. A. A. L. Parsons : (*a*) and (*b*). It has been decided to construct a branch line from Pamban to the north of Rameswaram where there will be a station within two furlongs of the temple. The scheme will be taken in hand shortly.

INDIA HOUSE, LONDON.

862. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the London County Council has accepted the offer of the High Commissioner for India to rent for £6,000 a year on a 999 years' lease a site in Aldwych at the junction with Montreal Place ?

(*b*) When will the construction of the new India House begin, at what total cost, and who is the author of the design ?

The Honourable Sir George Rainy : (*a*) Yes.

(*b*) The work was commenced about the beginning of February last. The present estimated cost of the building is £3,24,220. It has been designed by Sir Herbert Baker.

PREVENTION OF INDIANS FROM COMPETING AT THE I. C. S. EXAMINATION HELD IN LONDON.

863. ***Mr. Gaya Prasad Singh** : Are Government aware of any proposal to stop Indian youths from competing for the I. C. S. examination in London, in view of the fact that many Indians have come out successful in the London examination ?

The Honourable Mr. J. Crerar : The question whether any steps could be taken whereby a larger number of the Indian vacancies would be available for the examination in India is being explored, but no proposal is under consideration that Indians should be prohibited from competing in London.

EXPENDITURE ON THE MAINTENANCE OF TEMPLES AND MOSQUES FOR INDIAN TROOPS AND CIVIL OFFICERS.

864. ***Mr. Gaya Prasad Singh** : Is it a fact that in 1926 a sum of about Rs. 41 lakhs had been expended from Indian revenues " for maintenance of chaplains and churches for troops and civil officers " in India ? If so, what sum was spent in that year out of Indian revenues for the maintenance of temples and mosques for Indian troops and civil officers in India ?

The Honourable Sir George Rainy : The actual expenditure incurred in 1926-27 on the maintenance of churches and chaplains for British troops and civil officers in India was about 45 lakhs.

Government do not provide funds for the erection or maintenance of temples or mosques for the use of Indian troops. But a sum of Rs. 1,39,254 was expended during 1926-27 for the provision of religious teachers in units of the Indian Army. The Government of India are bound by the King's Regulations to provide religious ministration for British soldiers serving in India, and since 1698, it has been the practice, first of the East India Company and then of the Government of India, to provide, within reasonable limits, for the ministration of religion to British-born European servants of the Crown. It may also be pointed out that many temples and mosques in India receive indirect subsidies from the Government in the shape of remissions of land revenues on land owned by them. I would also invite the Honourable Member's attention to the answer given by the Honourable Mr. (now Sir) A. C. Chatterjee to Khan Bahadur Makhdum Syed Rajan Baksh Shah's starred question No. 1951 on the 15th September, 1924.

Mr. C. Duraiswamy Aiyangar : May I know, Sir, whether the persons employed for religious teaching to the British officers are Indians or Europeans ?

The Honourable Sir George Rainy : Chaplains ?

Mr. C. Duraiswamy Aiyangar : Yes.

The Honourable Sir George Rainy : I imagine that practically all the chaplains are Europeans, but I have not actually verified the fact.

Mr. C. Duraiswamy Aiyangar : May I know, Sir, whether there will be any difference made if Indian Christians are appointed for teaching religion to British officers ?

The Honourable Sir George Rainy : I am afraid I must ask for notice of that question.

Mr. C. Duraiswamy Aiyangar : I want to know whether the Bible which Indian Christians will teach to British officers will be in any way different from the Bible which European chaplains teach to British officers ?

The Honourable Sir George Riny : I imagine the Honourable Member is in as good a position as myself to answer that question.

EXPENDITURE ON THE INDIAN STATES' COMMITTEE.

865. ***Mr. Gaya Prasad Singh** : Will Government kindly state if the cost of the Committee which has been appointed to report upon the relationship between the Paramount Power and the Indian States, will be borne by the Indian revenues ; and if so, to what extent ? What would be the total cost ?

The Honourable Mr. J. Crerar : Yes, Sir. It is of course impossible to state the total cost in advance, but the cost up to the end of July last was about Rs. 86,000.

COMPENSATION FOR THE SEQUESTRATION OF THE PROPERTIES OF THE BASEL MISSION COMPANY.

866. ***Mr. Gaya Prasad Singh** : (*a*) Is it a fact that during the European War, the commercial properties, consisting of the factories, shops and stores, belonging to Swiss subjects, and known as the Basel Mission Company, trading in India, were sequestrated under the belief that those properties were largely enemy controlled ; but that this belief has now been proved to be groundless by a French court of enquiry ?

(*b*) Is it contemplated to give compensation out of Indian revenues to cover the loss incurred by the said Company for the sequestration of their properties ? If so, to what extent ?

The Honourable Mr. J. Crerar : (*a*) Properties belonging to the Basel Mission Trading Company were taken over and held under the Enemy Trading Act on the ground that it came within the terms of section 2 of the Act. Government are not aware of any enquiry by a French court of enquiry.

(*b*) I regret I am not in a position to make any statement at present

EMPLOYMENT OF MUSLIMS IN THE OFFICE OF THE DIRECTOR OF CIVIL AVIATION.

867. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) Will Government please state how many new appointments, both temporary and permanent, have been created in each Division in the office of the Director of Civil Aviation since 1st September, 1927, up till 31st August, 1928, and how many of these have been given to Muslims ?

(*b*) Is it a fact that there is no Muslim in the first division in this office ? If not, why not ?

The Honourable Mr. A. C. McWatters : (*a*) The following permanent posts in the office of the Director of Civil Aviation were created between 1st September, 1927, and 31st August, 1928.

Assistants	2
Clerk	1

The clerk's post was filled by the recruitment of a Muslim. In addition, one temporary post was sanctioned for a period of two years from 1st January, 1928, and a Muslim has been appointed to this post.

(*b*) Yes. No suitable candidate has applied.

EMPLOYMENT OF MUSLIMS IN THE PUBLIC WORKS BRANCH OF THE DEPARTMENT OF INDUSTRIES AND LABOUR.

868. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will Government please state how many vacancies, both temporary and permanent, occurred in each division in the Public Works Branch of the Department of Industries and Labour, from 1st September, 1927, to 31st August, 1928, and how many of these were given to Muslims ?

The Honourable Mr. A. C. McWatters : There were three vacancies during the period referred to, namely, one permanent in the first division and two temporary in the third division. One of the temporary posts was given to a Muslim.

EMPLOYMENT OF MUSLIMS IN THE OFFICE OF THE RAILWAY BOARD.

869. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will Government please state how many vacancies, both temporary and permanent, occurred in the office of the Railway Board from the 1st September, 1927, to the 31st August, 1928, and how many of these were given to Muslims ?

Mr. A. A. L. Parsons : 19 vacanices occurred in the Railway Board's office from 1st September, 1927, to 31st August, 1928, against which seven Muslims were appointed.

Mr. Lalchand Navalrai : Will the Honourable Member please state if there are any officers or subordinates in the offices of the Railway Board from Sind ? If not, do Government propose to appoint some of them ?

Mr. A. A. L. Parsons : I must ask for notice of this question, Sir.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member how it is that he has been pleased to answer communal questions this time ?

Mr. A. A. L. Parsons : It has always, I think, been the practice to give statistics with regard to our own office up here which is under our immediate supervision.

Mr. Gaya Prasad Singh : Is it the practice to give answers to communal questions so far as Hindus and Muhammadans are concerned, but so far as Indians and Europeans are concerned not to give such answers ?

Mr. A. A. L. Parsons : No, Sir.

STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

870. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will the Government be pleased to state whether the Railway Board are observing the canons of financial propriety in sanctioning the staff for the Railway Clearing Accounts Office ?

Mr. A. A. L. Parsons : The reply is in the affirmative.

OVERWORKED CLERKS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

871. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) Are the Government aware of the fact that the clerks of the Clearing Accounts Office attend office on gazetted holidays and Sundays and sit late hours in spite of the fact that the work is set after shifting the office from Lahore to Delhi ?

(*b*) Will the Government be pleased to state in what Civil Service Regulations or Fundamental Rules this daily extra attendance of the staff is provided for ?

(*c*) Do the Government propose to stop this practice of daily extra attendance and attendance on gazetted holidays and Sundays ? If so will the Government be pleased to state what measures they propose to take to redress the grievances of the staff ?

(*d*) Are the Government aware of the fact that owing to excessive work leave is not granted to clerks even in emergent cases ?

Mr. A. A. L. Parsons : (*a*) I would invite the Honourable Member's attention to the reply given by me to Haji Abdoola Haroon to a similar question (No. 83) in the last Delhi Session.

(*b*) The Civil Service Regulations and Fundamental Rules do not deal with questions of this sort.

(*c*) Government do not consider that action is necessary.

(*d*) The Director of the Clearing Accounts Office reports that leave is granted to the staff on a reasonable scale.

AGITATION IN THE PRESS ABOUT THE GRIEVANCES OF THE STAFF OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

872. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (1) Are the Government aware of the fact that there is a great stir in the Press about the grievances of the staff. If so, has the attention of Government been invited to the series of articles printed in the

Muslim Outlook and other leading papers, including an Anglo-Indian organ ?

(2) Are the Government aware of the fact that one officer of the department had been going to the houses of the Members of the Legislative Assembly, to the editors of newspapers and other people holding similar positions to win their favour and work for his cause ?

(*b*) Are Government aware of the fact that the same officer sent a man to the Editor of the *Muslim Outlook* to stop this agitation ?

Mr. A. A. L. Parsons : I propose, with your permission, Sir, to answer questions Nos. 872, 873, 877, 878, 880, 881, 882, 884, 885, 888, 889, 890, 891 and 892 together. The series of questions is in effect a repetition of allegations which have been made that Rai Bahadur Faqir Chand, Assistant Director of the Clearing Accounts Office, is using his official position to secure places in that office for relatives or other persons in whom he is interested to the exclusion of other candidates, more particularly Moslems. Government have satisfied themselves that these allegations against an honest and able officer are entirely without foundation, and they do not propose to make the enquiries which the Honourable Member's questions suggest. I may add that the appointments in this office are made by the Director and not by Rai Bahadur Faqir Chand.

Mr. Gaya Prasad Singh : May I know, Sir, what authority the Honourable Member has for making the insinuation contained in some of these questions ?

Maulvi Abdul Matin Chaudhury : Am I to reply to that question, Sir ?

Mr. President : If the Honourable Member pleases.

ARTICLES WRITTEN BY THE LATE MR. K. C. VIDIARTHI, MANAGER, BHARAT INSURANCE COMPANY, ON BEHALF OF THE ASSISTANT DIRECTOR, RAILWAY CLEARING ACCOUNTS.

†873. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Are Government aware of the fact that the late Mr. K. C. Vidiarthi, Manager, Bharat Insurance Company, wrote articles on behalf of the Assistant Director, Railway Clearing Accounts ? If so, will the Government be pleased to state what interest led an outsider to meddle in Government affairs ?

ANSWERS TO QUESTIONS PUT ON THE 19TH MARCH, 1928, REGARDING THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

874. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will the Government be pleased to lay on the table a copy of the answers given to questions Nos. 454 to 468 and 478 together put by Mr. Anwar-ul-Azim on the 19th March, 1928 ?

Mr. A. A. L. Parsons : I am not aware that any other Member has evinced a desire for the information already sent to the Honourable Member : it is certainly not of sufficient importance to lay on the table.

†For answer to this question, see answer to question No. 872.

EMPLOYMENT OF HINDUS AND MUSLIMS IN VACANCIES OCCURRING IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI, SINCE MARCH 1928.

875. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) How many vacancies occurred in the Railway Clearing Accounts Office since March 1928 ?

(*b*) How many of them were filled by Muslims and how many by Hindus ?

Mr. A. A. L. Parsons : (*a*) 111.

(*b*) I regret that I am not prepared to give this information.

Pandit Hirday Nath Kunzru : Is the Railway Clearing Accounts Office under the Railway Board or not ?

Mr. A. A. L. Parsons : Yes, Sir, it is under the Railway Board, but it is not the Railway Board's own office.

Pandit Hirday Nath Kunzru : Is the office managed by the Railway Board ? The Honourable Member stated just now that he had no objection to giving the figures for appointments held at present by the various communities in offices under the Railway Board.

Mr. A. A. L. Parsons : I made no such statement, Sir. I did not even say that I had no objection to giving these figures for appointments in the Railway Board's Office. But it has, I think, been the practice to give those figures for the Central Office of the Railway Board and for that reason I gave them. Personally, if it had not been the practice, I should have been very unwilling to give them.

Maulvi Abdul Matin Chaudhury : Will the Honourable Member state what is the reason for not giving this information ?

Mr. A. A. L. Parsons : Sir, I have explained that so frequently, not only in replies to questions but also I think during the course of the last Railway Budget debate, that it is not desirable that I should do so again ; or certainly not necessary.

Maulvi Abdul Matin Chaudhury : Why is it not desirable, Sir ?

Mr. A. A. L. Parsons : To furnish information of this kind with regard to communal representation in individual offices and branches of the Railways merely accentuates communal feeling in those offices, and is bad for the work of those offices.

Maulvi Abdul Matin Chaudhury : Is it a fact that the Government is withholding that information to hide the racial and communal bias of their subordinates ?

Mr. A. A. L. Parsons : Nothing of the sort, Sir. It is well known, Sir, to the House that we do give details of communal representation on all Railways, though not of individual offices on Railways, in our annual reports. We there give it in a form which does not accentuate feeling in individual offices and branches.

Mr. K. Ahmed : Is not this contrary to the undertaking given by Lord Reading, Sir ? If the answer is in the negative, do Government propose to state the reasons why we should not give effect to the terms of appointment for the Muhammadan community and other communities in India ?

Mr. A. A. L. Parsons : I am sure, Sir, that nothing I have said is opposed to any undertaking given by His Excellency Lord Reading. As a matter of fact, in several of the offices, with regard to which I have been refusing to give figures, I happen to know that the Muslim appointments have in recent years been, if anything, in excess of the quota which they would get under any strict proportional representation.

Mr. K. Ahmed : In view of the fact, Sir, that the Honourable Member has told us that he is not going to give the figures, is there any other way for the benefit of the country to test the accuracy and veracity of the Honourable Member's answer in this Assembly, whether they are acting in accordance with the circular of the Home Department of 1925 and the solemn declarations made in that time of distress in Calcutta by Lord Reading ?

Mr. A. A. L. Parsons : Sir, I am not accustomed to have my veracity challenged in this House and I must refuse to answer the Honourable Member's question.

Mr. K. Ahmed : Do I understand by concealment of figures the Government betrays the purpose for which Lord Reading made a solemn declaration specifically ? The Honourable Member in charge of Railways now tells us that he will not give the accurate figures and it is for their own benefit that they tell us it is a communal matter and they will not divulge the secret.

The Honourable Sir George Rainy : I am afraid, Sir, I cannot accept the implications of the Honourable Member's question or admit that the motives he attributes to the Government of India can fairly be attributed to them. I am sure that on reflection he will see that what he has suggested is less than fair to the Government.

Mr. K. Ahmed : What is the reason then, Sir, for the Honourable Member refusing to give accurate figures of these appointments and debarring the representatives of the people from knowing what the actual position is ?

The Honourable Sir George Rainy : My Honourable friend, Mr. Parsons, has attempted repeatedly to convey that information to the Honourable Member and, as he has apparently been unsuccessful, I have little hope that I shall have better success.

Mr. K. Ahmed : Will the Honourable Member himself take the responsibility of his Department and give the figures that are asked for ? May I say, Sir, that it is both for the benefit of the country and for the benefit of the Government to show to the people that the Government is acting in accordance with the directions given to them by the Home Department circular and the solemn declarations made by Lord Reading in 1925 ? If they will not state the reasons, as the Honourable Mr. Parsons has told us, will they state the circumstnces which justify their refusal ? I am entitled to an answer, Sir.

The Honourable Sir George Rainy : I am afraid I have nothing to add to the answers already given by my friend Mr. Parsons.

Mr. K. Ahmed : In view of the fact that the Honourable Member can see that he has hopelessly failed to satisfy the Members of this Assembly, who are representatives of the people of this country, will he, as head of the Department, explain the reason or reasons why he should not state the circumstances which prevent him from giving the accurate figures asked for to this House ?

Mr. Gaya Prasad Singh : Sir, is it not a fact that such questions are sometimes prompted by persons who consider themselves aggrieved for some reason or other ?

Mr. K. Ahmed : That is all the more reason, Sir, why the Honourable Member should answer the question. May I have an answer ?

Maulvi Abdul Matin Chaudhury : Do the Government realise that communal feeling is accentuated because of the injustice that is done to Muhammadans and not by the publication of the figures ?

Mr. A. A. L. Parsons : No, Sir.

Dr. B. S. Moonje : Is it the fact, Sir, that Muhammadans are not given posts because the Government does not want to give them posts and want to favour the Hindus ?

Mr. A. A. L. Parsons : No, Sir.

GRADATION LIST OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

876. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : What are the regulations for preparing the gradation list in the Railway Clearing Accounts Office ?

Mr. A. A. L. Parsons : The regulations are at present under consideration.

EMPLOYMENT OF MUSLIMS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†877. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Is it a fact that all the appointments in the Railway Clearing Accounts Office were made on the recommendations of Assistant Director No. 1 ? If so, did his recommendations result in Muslim interests being ignored ?

QUALIFICATIONS OF MR. VASTA APPOINTED TO THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†878. **Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) Is it a fact that Mr. Vasta drawing Rs. 80 in the office of the District and Sessions Judge, Mianwali, was appointed on Rs. 130 in the Railway Clearing Accounts Office and soon after his pay was raised to Rs. 230 ?

(*b*) What are his qualifications ?

(*c*) Is it a fact that he is one of the relatives of the Assistant Director ?

SAFEGUARDING OF THE INTERESTS OF MUSLIMS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

879. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will the Government be pleased to state what steps were taken

†For answer to this question, see answer to question No. 872.

to safeguard the Muslim interests in the Railway Clearing Accounts Office at the time of recruitment, as the staff was sanctioned on 18th December, 1926, after the issue of Home Department memorandum No. F.-176/25-Ests., dated the 15th March, 1926 ?

Mr. A. A. L. Parsons : The Director of the Clearing Accounts Office is aware of the orders of Government and, I am sure, follows them.

RESIDENCE OF EACH MAN EMPLOYED IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†880. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (1) (*a*) Is it a fact that a majority of Hindu young men recruited to the Railway Clearing Accounts Office belong to that part of the Province to which the gentleman at the top belongs as published in the *Muslim Outlook* ?

(*b*) If the answer to part (*a*) be in negative will Government be pleased to lay on the table a statement giving particulars as to the residence of each man employed in the Railway Clearing Accounts Office ?

(2) (*a*) Is it a fact that there are 18 officers in the senior grade of the Railway Clearing Accounts Office and that out of these 14 are Hindus, two Europeans, one Christian and one Muslim ?

(*b*) Are the 14 Hindus drawing Rs. 5,200 a month, while the only Muslim is getting Rs. 150 per month ?

(*c*) If the answer to parts (*a*) and (*b*) be in the negative will the Government be pleased to lay on the table a statement showing the correct figures ?

CRITICISM IN THE *Muslim Outlook* OF THE ADMINISTRATION OF THE ASSISTANT DIRECTOR, RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†881. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (1) Will the Government please verify the statistics published in the *Muslim Outlook*, dated 25th February, 1928, 10th, 13th and 15th March, 1928, about the Railway Clearing Accounts Office ?

(2) (*a*) Is it a fact that there are 45 Sub-Heads in the Railway Clearing Accounts Office and 5 only are Muslims and one Anglo-Indian as published in the *Muslim Outlook* ?

(*b*) If the answer to part (*a*) be in negative will the Government be pleased to give the correct figures in this respect ?

(3) (*a*) Is it a fact that R. B. Lala Faqir Chand, Assistant Director, Railway Clearing Accounts Office, sent an office hand to Mr. Nural Haq with a view to prevail upon him to cease criticising his administration policy as published in the *Muslim Outlook* ?

(*b*) Is it a fact that the said officer tried to secure a statement from the said office hand after the article was published ?

PAUCITY OF MUSLIMS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†882. **Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) Is it a fact that 400 men have been recruited as clerks in

†For answer to this question, see answer to question No. 872.

the Railway Clearing Accounts Office as published in the *Muballigh* out of which 15 or 16 are Muslims ?

(*b*) If the answer to part (*a*) be in the negative, will the Government be pleased to give the correct figures in this respect ?

SALE OF BRICKS PURCHASED FOR LAYING THE FLOOR IN A CAMP FOR THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

883. **Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : With reference to the answer given to question No. 81, put by Haji Abdulla Haroon on 1st February, 1928, will the Government please state :

(*a*) if those bricks were cemented or plastered ?

(*b*) if the answer to part (*a*) be in the negative, will Government please state how those bricks bought for Rs. 90 were sold for Rs. 10 ?

Mr. A. A. L. Parsons : (*a*) Government have no information.

(*b*) Because that was the best price Government could get at the time ; it is understood the purchaser has not up to the present time considered it worth while to remove the bricks from the site.

NAMES OF MUSLIM AND HINDU GRADUATES AND UNDERGRADUATES EMPLOYED IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI, ETC.

†884. **Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will the Government be pleased to place on the table a statement showing :

(*a*) (*i*) the names of Muslim graduates and undergraduates working in the Railway Clearing Accounts Office ?

(*ii*) what is the length of their services ?

(*iii*) If any chances of sub-headship and Inspectorship have been given to any of them ?

(*b*) (*i*) Names of Hindu graduates and undergraduates working in the Railway Clearing Accounts Office ?

(*ii*) What is the length of their services ?

(*iii*) If any chances of sub-headship and Inspectorship have been given to any of them ?

SAFEGUARDING OF MUSLIM INTERESTS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†885. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (1) (*a*) Is it a fact that a majority of Muslims in the Railway Department consist of coolies and posters ?

(*b*) If the answer to part (*a*) be in the affirmative do Government propose to give Muslims their proper share in the higher ranks ?

(2) Will Government please state if any Muslim officer has ever been posted in the Railway Clearing Accounts Office since its creation ?

†For answer to this question, see answer to question No. 872.

(3) (*a*) Will Government please state if any Muslim Officer, Superintendent, Sub-Head, and even a clerk has been posted in the administration, *i.e.*, establishment a most important section of the Railway Clearing Accounts Office, since its creation ?

(*b*) If the answer to part (*a*) be in negative will Government be pleased to state if they are prepared to post anyone to safeguard the Muslim interests in that office ?

NUMBER OF MACHINES WORKING IN THE COMPILATION BRANCH AT LAHORE, ETC.

886. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (1) Will the Government please state :

(*a*) (*i*) How many sets of machines are working in the Compilation Branch at Lahore ?

(*ii*) How many mistries have been appointed to work those machines and what are their names and salaries ?

(*iii*) If any of them is a qualified mechanic ?

(*b*) (*i*) How many sets of machines are working in the Railway Clearing Accounts Office ?

(*ii*) How many mistries have been appointed to work those machines and what are their names and salaries ?

(*iii*) If any of them is a qualified mechanic ?

(2) Will Government please state :

(*a*) If the work of the Railway Clearing Accounts Office has now been set right ?

(*b*) If the answer to part (*a*) be in affirmative then why are the clerks made to work extra hours ?

(*c*) If the answer to part (*a*) be in negative will Government please state how much time it will take to set the work right ?

Mr. A. A. L. Parsons : (1), (*a*), (*i*). Three.

(*ii*) and (*iii*). Government have no information.

(*b*), (*i*). Four.

(*ii*) and (*iii*). Government have no information.

(2) (*a*). Government have no reason to believe that the work is not being conducted properly.

(*b*) The allegation that the clerks are made to work extra hours is incorrect.

(*c*) Does not arise.

REJECTION OF APPLICATIONS FROM GRADUATES AND UNDERGRADUATES FOR EMPLOYMENT IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

887. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Is it a fact that applications of graduates and undergraduates for employment in the Railway Clearing Accounts Office are rejected ?

Mr. A. A. L. Parsons : Applications are, I understand, registered and considered when there are vacancies.

EMPLOYMENT OF MEMBERS OF THE SAME FAMILY IN ONE OFFICE OR IN ONE BRANCH OF THE SAME OFFICE.

†888. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will the Government be pleased to state, if there is any ruling against the appointment of near relatives and members of one and the same family in one office or in one branch of the same office ? If so, will the Government be pleased to state, why this has been violated in the :

(*a*) Railway Clearing Accounts Office ?

(*b*) Personal branch of the North-Western Railway Headquarters Office ?

POWERS DELEGATED TO THE ASSISTANT DIRECTOR NO. 1 OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†889. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) Will the Government be pleased to state the powers delegated to the Assistant Director No. 1 of the Railway Clearing Accounts Office ?

(*b*) Is it a fact that the officer who is put on special duty was a recruiting officer ?

(*c*) What is the criterion for giving different pay to clerks of the same or lower qualifications ?

(*d*) What part of the total salary is being disbursed to Muslims ?

DISCONTENT AMONG THE CLERKS OF THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†890. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Are the Government aware of the discontent prevailing among the clerks of the Railway Clearing Accounts Office in general and Muhammadans in particular :

(*a*) About late and long hours working : and

(*b*) about the appointment of a majority of Hindu young men of Hoshiarpur and Srigobindpur (District Gurdaspore) by the Assistant Director on grounds of relation and recommendations ? If so, will the Government be pleased to state what action they have taken to remove this discontent ? If no action is taken why not and on what policy ?

EMPLOYMENT OF MUSLIMS AS GAZETTED OFFICERS IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†891. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Is it a fact that :

(*a*) There is no Muhammadan gazetted officer in the Railway Clearing Accounts Office ?

†For answer to this question, see answer to question No. 872.

(*b*) The Muhammadan graduates have been given less pay than the Hindu matriculates ?

(*c*) Special rewards have been given to particular Hindu clerks and one Christian youngster on the plea of helping in packing the records of the Railway Clearing Accounts Office on its shift to Delhi ?

(*d*) There is no senior Muhammadan accountant in this office ? If the answer is in the affirmative, will the Government be pleased to state for the information of the House the reasons for these irregular actions ?

RETENTION OF ASSISTANT DIRECTOR NO. I IN THE RAILWAY CLEARING ACCOUNTS OFFICE, DELHI.

†892. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : Will the Government be pleased to state :

(*a*) If the scheme for the working of the Railway Clearing Accounts Office is in black and white ? or

(*b*) In the head of any one single person. If the answer to (*a*) is in affirmative, will the Government be pleased to state the reason for giving so much importance to Assistant Director No. 1, as to retain him in that office in spite of a general discontent against his deeds. If the answer to (*b*) is in the affirmative will the Government be pleased to state the desirability of such a dependent scheme ?

ABSENCE OF ELECTRIC LIFTS IN GORTON CASTLE, SIMLA.

893. ***Mr. G. Sarvotham Rao** : (*a*) Are Government aware of the inconvenience caused to the officers and clerks working in the second and third floors of Gorton Castle on account of the absence of electric lifts ?

(*b*) Have they considered the possibility of substituting electric lifts for some of the winding stairs which at present exist ? If not, do they propose to do so ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). No. Government do not consider that the expense involved would be justified.

EMPLOYMENT OF LADY CLERKS IN THE OFFICE OF THE RAILWAY BOARD.

894. ***Mr. Srish Chandra Dutta** : (*a*) Is it a fact that in reply to starred questions Nos. 1269 and 1270 on 23rd March 1925, Government stated that recruitment of unpassed men was allowed as a special concession to posts requiring technical or special qualifications subject to the previous approval of the Home Department ? Is it a fact that in reply to starred question No. 1402 on 24th March 1926 the Government stated that the regulations of the Staff Selection Board did not at all apply in the case of recruitment of clerical staff for the office of the Railway Board ? Will Government be pleased to explain this discrepancy ?

(*b*) In how many cases was the approval of the Home Department obtained ?

†For answer to this question, see answer to question No. 872.

(*c*) How many girl clerks have been recruited in the office of the Railway Board during the last four years ? What, if any, technical qualifications do they possess ?

(*d*) How many of these girl clerks are employed as steno-typists and also as tour clerks to officers of the Railway Board ?

Mr. A. A. L. Parsons : (*a*) There is no discrepancy. General exemption was granted to the Railway Board to recruit from Railways and other suitable sources in March, 1925.

(*b*) Does not arise.

(*c*) 8 girl clerks have been recruited in the last four years. They were recruited as typists or stenographers and knew typewriting or shorthand. 6 out of the 8 have now left the Railway Board's Office.

(*d*) One is still employed as stenographer, the other as a typist, and neither of them is a tour clerk.

NAMES AND DESIGNATIONS OF OFFICIALS CHARGED WITH CERTAIN SPECIFIED DUTIES IN THE CALCUTTA POST OFFICES.

895. ***Mr. Yusuf Imam** : 1. Will the Government be pleased to lay on the table the following information :

(*a*) the names and the designations of the appointing officials appearing on the service rolls of postmen and menials who were made permanent from the year 1916 to date in the Calcutta Post Offices,

(*b*) the designation of the officials who have been granting leave to the postmen and menials of the Calcutta Post Offices from the year 1916 to date,

(*c*) the designations of the officials who have been making remarks on the character-sheets of the postmen and menials as also of the overseers of the Calcutta Post Offices,

(*d*) the officials who supervise the mails in connection with the articles posted in the street letter-boxes and the crossing of the sectional mails while the Howrah bridge remains closed to the traffic,

(*e*) officials who remain in connection with the delivery of special bags for His Excellency the Viceroy and the Governors,

(*f*) the officials who have been certifying the fitness or otherwise of the Sub-postmasters and the clerks attached to the post offices, *viz.*, Bagh Bazar (Selection grade), Cossipore (Selection grade), College Square (Selection grade), Colootola (Selection grade), Tirretta Bazar (Selection grade), Khengraputty (Selection grade) and all the no-delivery town sub-post offices appearing on the office order books in the respective Post Offices ?

The Honourable Mr. A. C. McWatters : With your permission Sir, I take questions Nos. 895, 896, 897, 898, 899, 901 and 902 together and refer to the answer given by me to questions Nos. 777, 778 and 779 asked by Mr. Siddheswar Sinha on the 21st September, 1928.

DUTIES OF TOWN INSPECTORS OF POST OFFICES IN CALCUTTA.

†896. ***Mr. Yusuf Imam** : Will the Government be pleased to state the specific duties which have been imposed on the Town Inspectors of Calcutta after 1st September, 1927, as stated in the proviso to paragraph 4 of the Government orders, dated August, 1927 ?

INSPECTION OF THE SELECTION GRADE COMBINED DELIVERY SUB-POST OFFICES BY MUFASSIL INSPECTORS OF POST OFFICES.

†897. ***Mr. Yusuf Imam** : Will the Government be pleased to state whether the Mufassil Inspectors of Post Offices have the authority to inspect the Selection grade combined Delivery Sub-Post offices like the Town Inspectors of Calcutta ?

TOWN INSPECTORS OF POST OFFICES IN CALCUTTA.

†898. ***Mr. Yusuf Imam** : 1. Is it a fact that the Town Inspectors of Calcutta who had a minimum starting pay of Rs. 80 were deprived of the general revision of pay sanctioned to all other classes of postal employees in the year 1920 ?

2. Is it not a fact that the decision of the Director-General Posts and Telegraphs regarding the grant of duty allowances to the Town Inspectors was communicated to the Town Inspectors of Calcutta ?

3. Is it a fact that Town Inspectors of Calcutta were not paid the duty allowance promised by the Director-General in 1921 till their pay was revised in the Government Orders of August 1927 ?

‡899*—902*.

NUMBER OF INDIANS APPOINTED AS GUARDS IN GRADE A ON THE EAST INDIAN RAILWAY.

903. ***Pandit Hirday Nath Kunzru** : (*a*) With reference to the replies given to the supplementary questions to Mr. Joshi's starred question No. 464, will Government be pleased to state the number of Indians appointed as guards in grade A on the East Indian Railway (1) directly and (2) by promotion during the last twelve months ?

(*b*) What is the number of Europeans and Anglo-Indians appointed as guards in grade B. during the same period ?

Mr. A. A. L. Parsons : In the supplementary questions to which the Honourable Member refers, the Honourable the Railway Member promised to look into the matter and consider whether it would be desirable to give these statistics for the Great Indian Peninsula Railway. The question whether figures can be given for the East Indian Railway will also be considered.

NUMBER OF INDIAN OFFICERS HOLDING KING'S COMMISSIONS IN THE INDIAN UNITS OF ARTILLERY, ENGINEERS, SIGNALS AND THE AIR FORCE.

904. ***Pandit Hirday Nath Kunzru** : Will Government be pleased to state :

(*a*) What will be the number of officers holding the King's commission in the Indian units of (1) Artillery, (2) Engineers, (3) Signals and (4) Air Force which Government propose to create ?

(*b*) What will be the number of officers recruited annually for these units after the commissioned ranks in them have been completely Indianised ?

(*c*) Will the creation of these units lead to any reduction in the strength of the corresponding sections of the British Army in India ?

†For answer to this question, see answer to question No. 895.

‡For these questions, see at the end of starred questions for the day.

Mr. G. M. Young : (*a*) (1), (2) and (3). The strength of the officer establishments of the Artillery, Sapper and Miner and Signal units will be largely determined by the number of candidates who succeed in qualifying for those services. In addition to these units, Indian Engineer officers will be eligible for service in the Military Engineering Services. (4) The officer establishments of an Air Squadron varies from 19 to 22. As previously explained, Government wish to recruit 6 Indian officers forthwith to constitute a Flight, which is a sub-unit of a squadron.

(*b*) I am afraid it is impossible to calculate so far ahead. It will be nearly 20 years from now, for instance, before an Indian can reach the rank of Battery Commander in the ordinary course. I cannot foretell what the number and strength of the Indianizing units, or the rate of recruitment will be at that time.

(*c*) In the Artillery, Sappers and Miners and Signals the officer establishment of existing units will be Indianized and no new units will be raised. There is therefore no question of a reduction of corresponding units, as existing British officers establishments will be Indianized. The new Indian Air Unit will be additional to the strength of the Royal Air Force in India, which it is not proposed to reduce.

Pandit Hirday Nath Kunzru : May I ask whether the Indian units of Artillery, Sappers and Miners and Signals that Government propose to create have any fixed establishment of officers ?

Mr. G. M. Young : Of course, Sir, they have a fixed establishment of officers.

Pandit Hirday Nath Kunzru : How is it, then, that the Honourable Member said that the number of officers would depend on the number of candidates that Government could get ? I thought that he said something like that.

Mr. G. M. Young : I said so, because we must know exactly how many officers are going into these respective units.

Pandit Hirday Nath Kunzru : What will be the strength of the establishment of officers in these units ? Would that depend on the number of men who are willing to enter these units ?

Mr. G. M. Young : Until we know how many officers are going into these units, we shall not know the size of the units that we are going to Indianise.

Pandit Hirday Nath Kunzru : Is it a fact that the sizes of the units themselves have not been determined ?

Mr. G. M. Young : Provisionally certain units have been earmarked for Indianisation. Whether those particular units and their officer establishments will be exactly as they are now will depend upon the number of Indian candidates who succeed in qualifying for those arms.

Dr. B. S. Moonje : Do we understand that there is a deficiency in the number of Indian candidates qualifying for officership as required for these units ?

Mr. G. M. Young : The first examination for these services has not yet been held. I cannot possibly say whether there will be a deficiency or not.

Dr. B. S. Moonje : If you know the number of officers required, may I know if we are not getting a sufficient number of Indian students for those posts'?

Mr. G. M. Young : We have not yet got any Indians for these posts. The first examination is going to be held next November.

Dr. B. S. Moonje : That is not my point. If a number of officers are required for these units, are not a sufficient number of Indians coming forward for qualifying for those posts ?

Mr. G. M. Young : I am afraid I have not understood the Honourable Member's question.

Mr. Gaya Prasad Singh : May I know how many officers are required for these units ?

Pandit Hirday Nath Kunzru : Taking the strength as it is, will the Honourable Member tell us how many officers are needed for those units ?

Mr. G. M. Young : I can tell the House what is required for a Mountain Battery which is the first unit of Artillery that we propose to Indianize. It contains 4 British officers and 4 Indian officers. I cannot say exactly what would be the officer establishment of the Signal unit or the Sapper and Miner unit.

Mr. Gaya Prasad Singh : Why cannot you say for the Sappers and Miners ?

Dr. B. S. Moonje : If you know the number of officers required, I want to know whether there is any deficiency of Indian students coming forward for qualifying for those posts for being sent for training to England.

Mr. G. M. Young : I cannot say whether there will be a deficiency or not. I shall not know until the examination has been held,—in fact, we shall not know until the men pass out of Woolwich.

Pandit Hirday Nath Kunzru : Will the Honourable Member say whether all the Mountain Batteries will be Indianised, or only one of them ?

Mr. G. M. Young : The strength of units to be Indianized will depend, as I have said, very largely on the number of candidates who come forward and qualify.

Pandit Hirday Nath Kunzru : What is the number of units which you have already decided to Indianize, leaving future progress apart ?

Mr. G. M. Young : We have already decided to Indianize whatever will be necessary to accommodate the officers who succeed in passing out of Woolwich. In making that calculation, which is purely a provisional one, we have to remember that there are three services which are to be supplied by Woolwich—the Engineers, the Artillery and the Signals. It is conceivable, to take an extreme case, that all six candidates in one year will qualify for Engineers. In that case we should not be able to accommodate them in the scheme that we have at present for the Engineer services, because it is too large a number for the Engineers. We should then have to reconsider the position. It is conceivable similarly that all six cadets might qualify for Artillery. It is conceivable also that all six cadets might fail for Engineers, fail for Artillery, but just succeed in qualifying for Signals. We should then have to reconsider what we propose to have in the way of Signal units. The allotments are purely provisional. They depend on what we think the average is likely to work out between the three arms.

Pandit Hirday Nath Kunzru : Are we to take it that the number of annual recruits sent annually to Woolwich will not go down ?

Mr. G. M. Young : I think I have sufficiently explained already what would happen if there was a plethora of candidates in one arm and a deficiency in another.

Pandit Hirday Nath Kunzru : The Honourable Member has just explained that the number of units will depend on the number of candidates that would qualify every year. Am I to deduce from it that while the number of recruits may increase as the number of units increase, that number will not in any case go down ?

Mr. G. M. Young : No, Sir. I cannot see what reason my Honourable friend has for making that deduction.

Pandit Hirday Nath Kunzru : Is there then a possibility that the number of places now thrown to recruits from India may be decreased ?

Mr. G. M. Young : That possibility is contained in the statement of His Excellency the Commander-in-Chief which my Honourable friend may possibly have read that the maximum number of vacancies which the British Government are prepared to allot at Woolwich is six.

APPROPRIATION TOWARDS MILITARY EXPENDITURE OF THE SAVINGS DUE TO THE RECENT REVISION IN THE PAY OF OFFICERS AND BRITISH SOLDIERS.

905. ***Pandit Hirday Nath Kunzru** : (*a*) With reference to the replies given by the Army Secretary to starred questions Nos. 120 and 158, are Government aware that the Finance Member stated in his speech in 1926 that the reduction in the established military charges owing to the recent revision in the pay of officers and British soldiers " should amount to 12 lakhs in 1927-28 increasing annually to about 80 lakhs in 1930-31 and about 1¼ crores in 1933-34 " ?

(*b*) Has the Army Department been allowed to appropriate these savings towards military expenditure, or has it been allowed to retain only the savings due to the special economy campaign referred to by the Army Secretary ?

Mr. G. M. Young : (*a*) Yes.

(*b*) It is the intention of the Government of India, for the present, to utilise these savings as well as those effected by the economy campaign, towards meeting other military expenditure.

PROMOTION OF LOCAL TRAFFIC SERVICE OFFICERS TO THE SUPERIOR GRADES ON THE STATE RAILWAYS.

906. ***Pandit Hirday Nath Kunzru** : With reference to the statement made by Mr. Parsons during the Railway Budget debate on the 25th February 1928 that until the question of the organisation of the officers' grades as a whole on the State-managed Railways is settled, "it is not possible to say that anything more can be done for the Local Traffic Service Officers than is done at present, by giving them an opportunity of being promoted to officers' grades under the 20 per cent. regulation" will Government be pleased to state whether they are now in a position to announce what steps they propose to take to promote the Local Traffic Service Officers to the superior grades ?

Mr. A. A. L. Parsons : The opportunity has been taken this year of allocating 33 1/3 per cent of the appointments available for Indian recruitment to the promotion of suitable officers from the Local Traffic Service.

Pandit Hirday Nath Kunzru : Has this question been finally decided, or is the translation of the men from the local to the superior Traffic Service still under consideration ?

Mr. A. A. L. Parsons : The position remains as it did when I dealt with the matter in a budget speech, except that for this year we have decided to give a third of the Indian recruitment to the Local Traffic Service men instead of leaving the Local Traffic Service men to come in with other subordinates in twenty per cent. of the Indian recruitment.

NUMBER OF INDIAN AND EUROPEAN OFFICERS OF THE I. M. S. ENGAGED IN MILITARY AND CIVIL DUTIES.

907. ***Pandit Hirday Nath Kunzru** : Will Government be pleased to state the number of Indian and European I. M. S. officers engaged in (*a*) military and (*b*) civil duties ?

Mr. G. M. Young : 207 Indian officers and 184 European officers are engaged in military duties and 85 Indian and 246 European officers are serving on the civil side.

AMALGAMATION OF THE SYLHET AND CACHAR DISTRICTS WITH BENGAL.

908. ***Mr. Srish Chandra Dutta** : (*a*) With reference to the press communiqué, dated the 16th June, 1926, issued by the Home Department of the Government of India on the subject of transfer of the District of Sylhet to Bengal, will Government be pleased to state if any report on the subject has been received from the Assam Government for submission to the Statutory Commission ?

If so, will Government be pleased to lay a copy thereof on the table ?

(*b*) Are Government aware that public opinion is strongly in favour of the amalgamation of the District of Sylhet and Cachar with Bengal and the last Surma Valley Political Conference held in July last unanimously adopted resolutions for the amalgamation and that the All Parties Conference held at Lucknow also recommended the inclusion of the Bengali-speaking Districts in the Province of Bengal ?

(*c*) In view of the fact that the whole matter will be considered by the Statutory Commission as stated by the Government in the press communiqué referred to above, do Government propose to order a plebiscite to be taken in order to ascertain the true and correct public opinion on the matter of amalgamation of the Sylhet and Cachar Districts with Bengal instead of relying on individual evidence in an important matter like this ?

The Honourable Mr. J. Crerar : (*a*) The memorandum prepared by the Government of Assam was submitted direct to the Commission and copies were supplied to the Government of India. The Governmen of India are not at liberty to lay upon the table a copy of a documen addressed, not to themselves, but to the Statutory Commission.

(*b*) The Government of India are not in possession of the resolutions passed by the Surma Valley Political Conference last July ; but they are aware that a resolution was adopted at the conference recently held at Lucknow in favour of revising the boundaries of Bengal, Assam and other provinces according to certain principles. The Governmen of India do not understand that public opinion strongly favours the amalgamation of Sylhet and Cachar with Bengal, and a Resolution was recently passed by the Assam Legislative Council recommending that the authorities be informed that the people of Sylhet and Cachar desire to remain in Assam and not be transferred to Bengal.

(*c*) The answer is in the negative.

Mr. Anwar-ul-Azim : Is it not a fact that the Assam Legislative Council last month decided to recommend to the authorities that Sylhet and Cachar should not be transferred to Bengal ?

Mr. President : Will the Honourable Member repeat his question

Mr. Anwar-ul-Azim : Is it not a fact, Sir, that the Assam Legislative Council as late as last month in a Resolution decided to recommend to the authorities that Sylhet and Cachar be not transferred to Bengal

The Honourable Mr. J. Crerar : I have already referred to that Sir, in my reply.

Maulvi Abdul Matin Chaudhury : Is it not also a fact that on two previous occasions the Assam Legislative Council had passed a Resolution in favour of the transfer of Sylhet to Bengal ?

The Honourable Mr. J. Crerar : I think, Sir, that the Honourable Member is correct, but the Legislative Council of Assam, as I said, recently passed a Resolution reversing the Resolution adopted by the same Council in January 1926 to the effect which I have stated.

ASSISTANT COMPILER, INDIAN ARMY LIST.

909. ***Maulvi Muhammad Yakub** : (1) (*a*) Is there a post of Assistant Compiler in the Army Department ? If so, when was it created ?

(*b*) If the answer to the first part of the question is in the affirmative, will Government kindly say whether the son-in-law of the Personal Assistant to the Army Secretary was appointed to hold it from the very beginning ? If so, what period of probation did he undergo before confirmation ?

(2) (*a*) What is the normal period of probation prescribed by Government for members of the clerical staff of the Secretary ? Did the son-in-law of the Personal Assistant to the Army Secretary complete the prescribed period of probation ? If not, for what special reasons ?

(*b*) Is it a fact that under rules no one is appointed to a post in the clerical staff of the Secretariat unless he has passed the clerical test ?

(*c*) Was the son-in-law of the Personal Assistant to the Army Secretary a qualified candidate of the Public Service Commission ? If not, why was an exemption made in his case ?

(*d*) Have such exceptions been made by Government during the last three years ?

(3) (*a*) Is the post of Compiler, Indian Army List, considered to be a technical one ? If so, did the son-in-law of the Personal Assistant to the Secretary, Army Department, possess any technical qualifications required for the post and if so, what ?

(*b*) Is it a fact that the son-in-law of the Personal Assistant to the Army Secretary was reading in a school or college when he was appointed to his present post ?

(*c*) Is it a fact that the appointment of the son-in-law of the Personal Assistant to the Secretary, Army Department, involved the supersession of a large number of men possessing previous experience of Army List work ?

(*d*) Is it a fact that there are clerks in the Indian Army List Section who are senior in pay to the son-in-law but junior to him in rank ?

Mr. G. M. Young : (1) (*a*) The post of Assistant Compiler, Indian Army List, was created in the Army Department in May, 1928.

(*b*) The reply to the first part is in the affirmative. The period of probation was about two months.

(2) (*a*) In cadres which have probationary grades the probationary period is generally one year. This was a special post in which there was a permanent vacancy.

(*b*) and (*c*). The posts of Compiler and Assistant Compiler are specialised posts ; and the incumbents are not eligible for promotion to other appointments on the regular clerical establishment, and the scale of emoluments of the Assistant Compiler is less than that of first division men. For these reasons, the appointment was not made through the Public Service Commission : and it was not necessary to exempt the candidate from any prescribed test.

(*d*) Does not arise.

(3) (*a*) No technical qualifications are required : but the post demands a relatively high standard of education.

(*b*) No, Sir. I am informed that he had taken the degree of M. A. a year before his appointment.

(*c*) No, Sir. There was no clerk with experience of Army List work sufficiently qualified to hold the appointment.

(*d*) There is one clerk in the section who draws more pay than the Assistant Compiler at present, but he is not sufficiently qualified to hold the appointment of Assistant Compiler.

CONNECTION OF THE SRIMANGAL-MAULVI BAZAR RAILWAY WITH KULAURA JUNCTION ON THE ASSAM BENGAL RAILWAY.

910. ***Mr. Srish Chandra Dutta** : (*a*) Are the Government aware that a large section of the public in the Maulvi Bazar Sub-division of the Sylhet District want the proposed Srimangal-Maulvi Bazar Railway line to be connected with Kulaura Junction on the Assam Bengal Railway ?

(*b*) Is it a fact that out of deference to their wishes, the Assam Bengal Railway Advisory Committee have also approved a loop line from Kulaura Junction to Srimangal *via* Maulavi Bazar ?

(*c*) Do Government propose to consider the proposal favourably and state what decision, if any, has been arrived at on the matter ?

Mr. A. A. L. Parsons : Government are aware that the Assam Communication Board have recommended the construction of a loop line from Srimangal *via* Maulvi Bazar to Kulaura. The former section has already been investigated and an estimate of the cost of investigating the latter section is under the consideration of the Railway Board.

Mr. Srish Chandra Dutta : Will Government be pleased to state whether the Srimangal Kulaura construction line *via* Maulvi Bazar will be started next winter, so that the land acquisition staff and the construction staff now employed on Habiganj-Shaisthaganj Railway line may be transferred to the new railway construction line ?

Mr. A. A. L. Parsons : I am afraid I cannot make any statement as to when and if the construction of this line is likely to be taken up. We must wait till we have finished the investigation.

EXTENSION OF THE SHAISTHAGANJ AND HABIGANJ RAILWAY TO NABIGANJ.

911. ***Mr. Srish Chandra Dutta** : (*a*) Is it a fact that a memorial has been submitted to the Railway Board by a large number of people in the Habiganj Sub-division of the District of Sylhet, praying for the extension of the newly constructed Shaisthaganj and Habiganj Railway line to Nabiganj in the same Sub-division ?

(*b*) Was the proposal submitted to the Assam Bengal Railway Advisory Committee for their consideration and opinion ? If so, what is their decision on the matter ? Do Government propose to consider the proposal favourably and thus remove a very keenly-felt want of communication suffered by a large section of the public ?

Mr. A. A. L. Parsons : (*a*) The answer is in the affirmative.

(*b*) I cannot discover from the minutes of their proceedings that the proposal has been before the Assam Bengal Railway Advisory Committee, but the Railway Board do not favour the proposed extension. The

country up to Sherpur is liable to heavy flooding and the railway embankment would cross the drainage of the Bibiana which is large at all times and formidable during heavy flood. The line would therefore be costly both to construct and maintain. Moreover the terminus at Sherpur would be only about 4 miles from Manumukh station on the Maulvi Bazar-Manumukh branch of the Srimangal-Maulvi Bazar-Kulaura chord project which has been proposed and has received the approval of the Assam Board of Communication.

CONTROL AND REGULATION OF THE SALE OF TEA SWEEPINGS.

912. ***Mr. Srish Chandra Dutta** : Are the Government aware that the tea sweepings and waste are largely used by small retail dealers for human consumption to the detriment of public health ? Do Government propose to consider the desirability of appointing a Committee to enquire into the whole matter so as to devise measures for the control and regulation of the sale of tea sweepings and other bad teas which are not fit for human consumption ?

Mr. G. S. Bajpai : The Government of India are not aware that the evil is widespread. The matter primarily concerns local Governments, whose attention was drawn to it recently with reference to a question asked by Sir Darcy Lindsay in the Legislative Assembly on the 25th March, 1927. Action has already been taken or is being taken by Local Governments to prescribe under their Food Adulteration Acts a standard quality of tea for sale for human consumption. Government do not consider that any further action is necessary at present.

†913*.

APPOINTMENT OF RATE CLASSIFICATION COMMITTEES ON THE INDIAN RAILWAYS.

914. ***Mr. Mukhtar Singh** : (1) (*a*) Are there any Rate Classification Committees on the State Railways in India ?

(*b*) If the answer be in the affirmative will the Government be pleased to state their constitution ?

(*c*) If the answer be in the negative will the Government be pleased to state why such committees are not appointed ?

(*d*) How are the rates fixed on the Indian Railways ; how are the interests of Indian commercial people consulted and safeguarded ?

(*e*) Is there any arrangement to receive the complaints of Indian interests and to enquire into their truth or otherwise besides the Rates Advisory Committee ?

(2) Is there any Industrial Department attached to the Indian Railways ?

(3) Is there any arrangement to know the views of the commercial people, their convenience, difficulties and complaints in connection with the Indian Railways ?

(4) (*a*) Do Government keep any detailed account as to whether a certain commodity has paid its way at the existing rates on the Indian Railways and if so, how much ?

†For this question, see at the end of the starred questions for the day.

(*b*) If not, how does the Railway Board calculate and find out whether the existing rates are reasonable ?

Mr. A. A. L. Parsons : (1) (*a*) Yes.

(*b*) The Commercial Committee for Interchange is appointed by the Indian Railway Conference Association. The Committee consists of the Chief Commercial Managers of the following Railways :

Eastern Bengal Railway.
Bengal and North Western and Rohilkund and Kumaon Railways
Bengal Nagpur Railway
East Indian Railway
Bombay, Baroda and Central India Railway
North Western Railway
H. E. H. the Nizam's Guaranteed State Railways
Great Indian Peninsula Railway
Madras and Southern Mahratta Railway
and the General Secretary, Indian Railway Conference Association.

(*c*) Does not arise.

(*d*) The Government lay down certain fixed maxima and minima rates between which Railways adjust individual rates to the extent which the traffic can bear. It is to the interest of the Commercial Departments of the Railways to see that rates are adjusted to obtain the maximum traffic offering and further the reasonableness of any rate can be entered for discussion at a meeting of the Advisory Committee of Railways.

(*e*) Yes, complaints regarding rates can be made to the Agent of a Railway and any representations regarding rates are given the most careful consideration by the Commercial Branches. As a general rule, it is not until there has been a failure to reach an agreement between a Railway Administration and an individual trader that a reference is made to the Rates Advisory Committee.

(2) No.

(3) Yes, through the Local Advisory Committees, the various Chambers of Commerce and other representative bodies.

(4) (*a*) No. It is found in practice that this is not feasible for a given commodity.

(*b*) The rates on Indian Railways have been fixed after years of experience and if the rate for any particular commodity is unreasonable the traffic would not move and the matter would therefore immediately come to the notice of the Railway Administration.

PERIOD SPENT IN THE HILLS IN SUMMER ON INSPECTION OF RAILWAY OUT-AGENCIES BY MR. WOOD, CHIEF AUDITOR OF THE NORTH WESTERN RAILWAY.

915. ***Kumar Ganganand Sinha** : (*a*) Are the Government aware that the present Chief Auditor of the North-Western Railway, Mr. Wood, has during each of the last two years spent more than three months during the summer in the hills on the inspection of railway out-agencies ?

(*b*) Is it a fact that he is accompanied on several of the inspections by the Travelling Auditor and throughout by a Travelling Inspector of Accounts ?

The Honourable Sir Bhupendra Nath Mitra : I propose to reply to questions Nos. 915 and 916 together.

Enquiry is being made, and a reply will be sent to the Honourable Member in due course.

INSPECTION OF OUT-AGENCIES BY MR. WOOD, CHIEF AUDITOR OF THE NORTH WESTERN RAILWAY.

†916. ***Kumar Ganganand Sinha** : (*a*) Is it a fact that the inspection of small out-agencies is an important part of the Chief Auditor's duties ? Is it a fact that for the discharge of that duty it is necessary for him to absent himself from headquarters for a long time ?

(*b*) If the answer to (*a*) be in the negative what steps do Government propose to take to put a stop to such a practice ?

(*c*) Is it a fact that no previous Chief Auditor on the North Western Railway has been absent for such a long time as Mr. Wood from his headquarters on this work ?

(*d*) Is it a fact that hitherto the usual procedure has been to divide the out-agencies among the officers and that very junior officers have conducted the inspection of out-agencies without any assistance ?

(*e*) If the answer to (*d*) be in the affirmative what action do Government propose to take to put a stop to the waste involved in this system adopted by the present Chief Auditor ?

(*f*) Do the Government propose to direct the Agent of the Railway to inquire into the matter ?

ALLOWANCES GRANTED TO GOVERNMENT EMPLOYEES UNDER THE SIMLA ALLOWANCE CODE.

917. ***Kumar Ganganand Sinha** : (1) Will the Government lay on the table of the House the correspondence leading to the enactment of the Simla Allowance Code ?

(2) Did the Government grant the allowances mentioned in the Code Book to those officers and employees only who were transferred from Calcutta or also to officers who were recruited locally ?

(3) Will the Government state the number of Government employees who receive benefits under the Simla Allowance Code ? Also will the Government state how many of these were brought up from Calcutta and how many recruited locally ?

(4) (*a*) Will the Government be pleased to state the grounds on which house rent allowance is granted to officials and clerks employed in the Government of India ?

(*b*) Was it the ground for granting the allowance that the employees concerned were shifted from Calcutta ? If so, on what ground was this benefit extended to those recruited locally ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the reply that I gave on the 20th instant to Maulvi Abdul Matin Chaudhury's question No. 747 on the same subject.

†For answer to this question, see answer to question No. 915.

CONDUCT OF THE POLICE IN INVESTIGATING THE MURDER OF SAYED MOHAMMED SADIQ, FATHER-IN-LAW OF KHAWAJA HASAN NIZAMI.

918. ***Maulvi Muhammad Yakub** : (*a*) Are Government aware that there is a strong feeling in Delhi as regards the conduct of the Police in investigating the murder case of Sayed Mohammed Sadiq, father-in-law of Khawaja Hasan Nizami ?

(*b*) Are Government aware that investigation of the case was suspended for a week soon after the crime was committed ?

(*c*) Will Government be pleased to state what, if any, efforts were made by the Police to trace the person who purchased the revolver by which the crime was committed ?

(*d*) Are Government aware that a mass meeting of the Mussalmans of Delhi was held, under the presidentship of Maulana Ahmed Saeed, the Secretary of the Jamiat-ul-Ulma-i-Hind, to place on record the sense of the Mussalmans of Delhi about the defective investigation of the case and demanding a fresh enquiry ?

(*e*) Is it a fact that Laila Khawaja Banu, the wife of Khawaja Hasan Nizami, has addressed a letter to some Government officers of high position, praying for a fresh enquiry into the murder case of her father ?

(*f*) Do Government, under the circumstances, propose to order a fresh investigation of the case by the C. I. D. and make an effort to find out the conspiracy which resulted in the murder of Sayed Mohd. Sadiq in broad daylight, and bring about the punishment of the real accused ?

The Honourable Mr. J. Crerar : I have called for information and will send the Honourable Member a reply to his question as soon as I am in a position to do so.

PROPOSED SEPARATION OF AUDIT FROM ACCOUNTS IN THE EASTERN BENGAL RAILWAY.

919. ***Mr. Satyendra Chandra Mitra** : (*a*) Will the Government please say if the proposal for the separation of Audit from Accounts be given effect to in the Eastern Bengal and North-Western Railways, the number of accountants in the Subordinate Railway Accounts Service Staff as sanctioned will remain unchanged ? If not, will the Government please state what steps they propose to take to safeguard the interests of those accountants who have passed the Railway Subordinate Accounts Service Examination and will be left surplus by the adoption of this proposal ?

(*b*) Will the Government please state whether the Railway Accounts Branch thus formed will recruit their accountants from the passed men who will be thus left surplus ? If not, will the Government be pleased to state why the vested interests of those passed accountants should be overlooked ?

(*c*) Is it a fact that a move has been made to start a school for training accountants for filling up posts of accountants in the Railway Accounts side ? If so, will the Government please state why new recruits would be taken as accountants in the Accounts side in preference to the passed men who have been working as accountants in the offices of the Chief Auditors, Eastern Bengal and North Western Railways ?

Mr. A. A. L. Parsons : (*a*) The total number of accountants in the Accounts and the Audit Offices together will, under the separation proposals, be larger than the present number.

(*b*) and (*c*). The question of the terms and conditions under which existing subordinate establishments will be transferred to the Accounts Department has been dealt with in Annexure D of my Memorandum on the system of separation of Accounts from Audit. The final rules will be promulgated after further discussion with the Standing Finance Committee for Railways. It is proposed with the concurrence of the Auditor General to start a school temporarily to train men chiefly from the existing staff, to fill the additional posts of accountants required.

MILITARY TRAINING OF INDIAN YOUTHS.

920. ***Dr. B. S. Moonje** : (1) What do Government propose to do towards accelerating and broadcasting the system of military training for Indian youths ?

(2) Do Government propose to take any steps for the establishment of an Indian manufacturing firm for the supply of up-to-date rifles to meet the requirements of the Indian Army ?

Mr. G. M. Young : (1) The policy in regard to the military training of youths, other than those who intend to adopt the army as a profession, is contained in the proposals of the Auxiliary and Territorial Forces Committee relating to the University Training Corps. These proposals have been accepted and are being carried out by Government.

(2) No, Sir. The requirements of the Indian Army in the matter of rifles are fully met by the existing Ordnance establishments.

Dr. B. S. Moonje : Is there any likelihood of a Central Advisory Committee being formed in connection with this Department ?

Mr. G. M. Young : Sir, I hardly think that question arises, but Government did decide to form a Central Advisory Committee and in fact a provision to that effect was inserted in the Auxiliary and Territorial Forces (Amendment) Bill, which became law on the 1st September.

†921*.

EMPLOYMENT OF TWO CANDIDATES NOT BELONGING TO THE NORTH WEST FRONTIER REVENUE AREA IN CLERICAL APPOINTMENTS IN THE PUNJAB AND NORTH WEST FRONTIER POSTAL CIRCLE.

922. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) Is it a fact that Salig Ram one of the two candidates recommended by the Postmaster, Peshawar, to the Postmaster-General, Punjab and North-West Frontier Circle for clerical appointments belongs to Thatta (Rawalpindi District) ?

(*b*) Is it a fact that Salig Ram, one of the two candidates, was a temporary clerk in the office of Controller of Military Accounts, Peshawar where he gave his residence as stated in question (*a*) above ?

†For this question, see at the end of the starred questions for the day.

(*c*) Is it a fact that the second candidate recommended by the Postmaster, Peshawar, in August 1928, was Krishan Chandra, son of Jodha Ram, Accountant, Post Office, Peshawar ?

(*d*) Is it a fact that Jodha Ram, Accountant, is resident of Jhelum District ?

(*e*) Is it a fact that according to the orders of Government only those candidates who belong to North-West Frontier Province Revenue Area can be taken in the North-West Frontier Province ?

(*f*) If replies to the above be in the affirmative, do Government propose to take suitable action against the Postmaster, Peshawar, who employed these candidates deliberately and to remove the candidates so taken ?

The Honourable Mr. A. C. McWatters : Government have no information.

EMPLOYMENT OF TWO BROTHERS AS CLERKS IN THE PESHAWAR HEAD POST OFFICE.

923. ***Mr. Abdul Matin Chaudhury** (on behalf of Mr. Anwar-ul-Azim) : (*a*) Is it a fact that according to the orders of the Postal Department no two relatives can be employed in one and the same office ?

(*b*) Is it a fact that Sham Singh and Kartar Singh two real brothers are employed as clerks in the Peshawar Head Post Office ?

(*c*) Is it a fact that the father of Krishan Chandra, nominated clerk of Peshawar, is employed as Accountant in the Peshawar Head Post Office ?

(*d*) If the replies to the above be in the affirmative, do Government propose to take suitable action against these irregular postings ?

Mr. P. G. Rogers : (*a*) The reply is in the negative.

The other parts do not arise.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

REVERSION OF TOWN INSPECTORS OF POST OFFICES IN BOMBAY TO THE RANK FROM WHICH THEY WERE ORIGINALLY RECRUITED.

†899. ***Mr. Fazal Ibrahim Rahimtulla** : Will the Government be pleased to say :

(*a*) whether it is a fact that, prior to the introduction of the time scale of pay, the grade of Rs. 100 was reserved for the postal Town Inspectorship in Bombay Presidency Town ?

(*b*) whether it is a fact that the Town Inspectors in the Bombay Town were recruited from the clerks by means of the Presidency Postmaster's selection, irrespective of the seniority of the official so selected, or of the pay drawn by the selected official or of his passing the departmental examination ?

(*c*) whether the overseer postmen and the sorting postmen were also similarly appointed by means of selection from amongst suitable postmen ?

†For answer to this question, see answer to question No. 895.

(*d*) whether it is a fact that for the recent revision of pay, the permanent overseer postmen and the sorting postmen were not replaced by the postmen on the ground of seniority or suitability ? If the reply to the above 4 items are in the affirmative, will the Government be pleased to say why the Town Inspectors of the Bombay town who were recruited from the clerks and appointed substantively in the appointment of Town Inspector should be reverted to the rank from which they were originally recruited ?

REVISED SCALES OF PAY FOR SORTING POSTMEN IN THE PUNJAB CIRCLE.

900. ***Mr. Fazal Ibrahim Rahimtulla** : Is it a fact that the sorting postmen of the Punjab Circle were on the same scale of pay as the postmen of that Circle ? If so, did the postmen who rendered more years' service than the sorting postmen claim the posts of sorting postmen in the revised scale on the ground of seniority or suitability or the junior postmen with better qualifications ?

The Honourable Mr. A. C. McWatters : Prior to the introduction of the revised scales of pay, sorting postmen in the Punjab Circle were in the same time-scale of pay as ordinary postmen, but in addition they received special pay of Rs. 7-8-0 per mensem. This was withdrawn when the new scales were introduced. With regard to the second part of the question, Government have no information.

REVERSION OF TOWN INSPECTORS OF POST OFFICES IN BOMBAY, ETC.

†901. ***Mr. Fazal Ibrahim Rahimtulla** : (*a*) Are Government aware that different principles have been applied by the Postmaster-General Bombay for the removal of the permanent holders of the Town Inspector's posts, *viz.*, one for the Bombay Presidency town and another principle for the First class head Post Offices in the Bombay Circle ?

(*b*) Are Government aware of the loss of emoluments in respect of the officials' loss of permanent appointments through no fault of theirs ? If so, what steps have been taken to decide their case ?

(*c*) Have the Government received the appeals from the reverted officials who were permanently holding the Town Inspector's posts and considered the points raised in the appeals ? If so, with what result ?

REVERSION TO THE CLERICAL LINE OF TOWN INSPECTORS OF POST OFFICES.

†902. ***Mr. Fazal Ibrahim Rahimtulla** : Will the Government be pleased to lay on the table :

(*a*) a list showing the names of the reverted officials showing against each the length of his permanent service as a Town Inspector prior to the date of his reversion to the clerical line and the period of work, in the revised post, and

(*b*) a list of the newly appointed officials who have replaced the permanent Town Inspectors showing against each the length of his permanent service as Town Inspector prior to his new appointment in May 1928 ?

†For answer to this question, see answer to question No. 895.

REVISION OF THE PAY AND PROSPECTS OF ASSISTANT DIRECTORS-GENERAL AND OTHER GAZETTED OFFICERS OF THE POST OFFICE.

913. ***Pandit Nilakantha Das** : (*a*) Is it a fact that the Assistant Directors-General and other gazetted officers of the Post Office waited in a deputation on the Honourable Member in charge of the Department of Industries and Labour at Calcutta in December 1925 or so in connection with their revision of pay and prospects ?

(*b*) If so, will the Government be pleased to lay on the table a copy of the proceedings of the deputation ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Government are not prepared to disclose the particulars of their departmental discussions.

EXPENDITURE INCURRED ON THE ENQUIRY BY THE TARIFF BOARD INTO THE QUESTION OF THE GRANT OF PROTECTION TO THE OIL INDUSTRY.

921. ***Mr. Srish Chandra Dutta** : (*a*) What are the total costs incurred in the investigation by the Tariff Board of the question of the grant of protection to the oil industry of India ?

(*b*) In view of the fact that the applicant companies who were members of the Kerosine Pool suppressed a very important fact in their representation to the Government of India that the Royal Dutch Shell Group had recognised their claim to compensation for losses suffered as a result of the price war, which, as admitted by the Government of India in their Resolution dated the 12th September 1928, [No. 141-T. (48) Government of India, Department of Commerce], was material to the issue whether there was a *prima facie* case for an enquiry or not, do Government propose to take steps to recover the entire costs of the enquiry by the Tariff Board from those companies ?

The Honourable Sir George Rainy : (*a*) The Honourable Member is referred to the reply given to the second part of question No. 369 asked by Mr. Gaya Prasad Singh on the 11th September last.

(*b*) No.

UNSTARRED QUESTIONS AND ANSWERS.

RECOGNITION OF THE UNIONS OF RAILWAY EMPLOYEES BY THE AGENTS OF RAILWAYS.

492. **Mr. Amar Nath Dutt** : With reference to the reply given on the 1st February, 1928, to starred question No. 42 by Mr. N. M. Joshi, will Government be pleased to state whether they have completed consideration of the question of the recognition of the Unions of railway employees by the Agents of the Railways ? If so, what is the decision ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to the unstarred question No. 67 of Khan Bahadur Sarfaraz Hussain Khan on 4th September, 1928.

IGNORING BY THE EAST INDIAN RAILWAY AUTHORITIES OF REPRESENTATIONS MADE BY THE UNION ABOUT THE GRIEVANCES OF THE STAFF.

493. **Mr. Amar Nath Dutt** : Is it a fact that the authorities of the East Indian Railway do not give any reply to the representations about the grievances of the staff made by the Union from time to time ? If so, what are the reasons for not giving any reply to such representation ?

Mr. A. A. L. Parsons : The Honourable Member has not mentioned the name of the particular Union to which he refers, but the question, whether replies would be sent to representations, depends on whether the Agent has accepted it as representing the interests of its members and their views.

DIFFERENCE IN SCALES OF PAY AND ALLOWANCES PREVAILING ON THE OUDH AND ROHILKHAND SECTION AND THE EAST INDIAN SECTION OF THE EAST INDIAN RAILWAY.

494. **Mr. Amar Nath Dutt** : With reference to my question No. 183 (*a*) and (*b*) in the last Session of the Assembly, will Government be pleased to state what steps have been taken to remove the difference in scales of pay and allowances prevailing on the Oudh and Rohilkhand section and East Indian section of the East Indian Railway ? When do the Government expect to remove the differences ?

Mr. A. A. L. Parsons : Revised scales of pay have been authorised for the East Indian Railway, but the existing permanent staff will continue, if willing, on the old scales.

GRANT OF A WEEKLY REST DAY TO THE STAFF OF RAILWAYS.

495. **Mr. Amar Nath Dutt** : With reference to my question No. 182 (*a*) and (*b*) in the last Session of the Assembly, will Government be pleased to state what steps have been taken to grant a day's rest in a week to the railway staff or an allowance in lieu thereof ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to the unstarred question No. 55 of Khan Bahadur Sarfaraz Hussain Khan on 4th September, 1928.

NUMBER OF INDIAN GUARDS IN "A" GRADE AND ANGLO-INDIAN AND EUROPEAN GUARDS IN "B" GRADE ON THE EAST INDIAN RAILWAY.

496. **Mr. Amar Nath Dutt** : Will Government please lay on the table a statement showing the number of Indian guards in 'A' grade and Anglo-Indian and European guards in 'B' grade on the East Indian Railway ?

Mr. A. A. L. Parsons : Government regret that for reasons previously explained they are not prepared to furnish figures of communal representation in individual offices or branches of the services.

PROMOTION OF INDIANS TO "A" GRADE GUARDS ON THE EAST INDIAN RAILWAY.

497. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that, in view of the assurance given by the Government in the last Session of the Assembly to

the effect that racial discrimination had been eliminated from the East Indian Railway, the 'B' grade Indian guards of Dinapur Division applied to the Agent for promotion to 'A' grade, and that the Agent replied that promotion from 'B' grade to 'A' grade would be made by selection only ?

(*b*) If the answer be in the affirmative, will Government please state the reasons why Europeans and Anglo-Indians are appointed direct to 'A' grade ? Will Government please state the educational qualifications of these Europeans and Anglo-Indians ?

(*c*) Is it a fact that some Indian graduates have been appointed as guards in 'B' grade ? If so, will Government be pleased to state why these graduates have not been appointed in 'A' grade ?

(*d*) With reference to my question No. 179 (*a*) and (*b*) in the last Session of the Assembly, will Government please state what steps have been taken to stop the appointment of outsiders as 'A' grade guards unless and until the 'B' grade guards who have completed the grade are promoted to 'A' grade ?

(*e*) Is it a fact that a large number of qualified employees of the East Indian Railway who have passed the guards duties and other departmental examinations applied for appointment as guards, but their applications were not considered and unpassed outsiders were appointed as guards ? If so, will Government please state the reasons why unpassed outsiders are given preference over passed hands ?

Mr. A. A. L. Parsons : The Honourable Member's questions have been referred to the Agent of the East Indian Railway, and I will communicate with the Honourable Member on the receipt of the Agent's reply.

ABSORPTION IN THE PERMANENT ESTABLISHMENT OF SUPERNUMERARY HANDS OF THE EAST INDIAN RAILWAY.

498. **Mr. Amar Nath Dutt** : Is it a fact that a large number of employees of the East Indian Railway are in the supernumerary list, and that outsiders are being permanently appointed in supersession of the claims of supernumerary hands ? If so, do Government propose to stop the appointment of outsiders permanently until the supernumerary hands have been absorbed in the permanent establishment ? If not, why not ?

Mr. A. A. L. Parsons : Enquiries are being made, and I will let the Honourable Member know the result.

CURTAILMENT OF HOLIDAYS IN THE DINAPUR DIVISION OF THE EAST INDIAN RAILWAY.

499. **Mr. Amar Nath Dutt** : Is it a fact that in the Dinapur Division of the East Indian Railway the number of gazetted holidays has been curtailed ? If so, was there any representation by the staff against such curtailment of holidays and what action was taken on the same ? Do the Government propose to issue instructions to the Agent to grant all holidays sanctioned by the Government of India ?

Mr. A. A. L. Parsons : Government have no information. It rests with the Agent of the Railway to decide what number of holidays

should be given, and the Government of India do not propose to interfere in the matter.

REFUSAL OF CASUAL LEAVE TO THE STAFF OF THE EAST INDIAN RAILWAY.

500. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that casual leave is refused to the staff for want of sufficient number of relieving hands and privilege leave is delayed for months after sanction for the same reason ?

(*b*) Will Government be pleased to state the number of relieving hands in each Division and their proportion to the permanent hands ? Is the proportion adequate to enable the staff to avail themselves of the privilege to which they are entitled ?

(*c*) Is it a fact that no relief is sent in time for employees at roadside stations reporting sick and the staff have to perform double duties for want of relief ?

Mr. A. A. L. Parsons : Government have no information, but have sent a copy of the Honourable Member's question to the Agent of the East Indian Railway in order that he may consider whether any action is necessary.

NUMBER OF USUAL WORKING HOURS OF CERTAIN CLASSES OF EMPLOYEES ON THE EAST INDIAN RAILWAY.

501. **Mr. Amar Nath Dutt** : Will Government please state the number of usual working hours of (1) Station Masters, (2) Assistant Station Masters, (3) Booking Clerks, (4) Parcel Clerks, (5) Goods Clerks, (6) Checking Clerks, (7) Train Clerks, (8) Number Takers, (9) Transhipment Clerks, (10) Station Masters Clerks, and (11) Signallers, on the East Indian Railway ?

Mr. A. A. L. Parsons : The working hours of these classes of employees varies at different stations, and Government are not prepared to undertake the detailed investigation which would be required to answer the Honourable Member's question.

SERVICE AGREEMENTS WITH THE STAFF OF THE EAST INDIAN RAILWAY.

502. **Mr. Amar Nath Dutt** : Is it a fact that there is a clause in the agreement of the staff of the East Indian Railway that their services can be dispensed with without assigning any reasons ? If so, do Government propose to issue instructions to the Agent that no permanent employee should be discharged from service unless the reasons are clearly stated ? If not, will Government be pleased to state reasons ?

Mr. A. A. L. Parsons : The service agreement contains a provision that an employee's services can be terminated at any time after one month's notice on either side, or on payment by Government of one month's pay in lieu of notice. It is not usual to give reasons in cases of discharge, and it is for the railway authorities to decide whether reasons should be given or not. Government do not propose to issue instructions fettering the discretion of railway administrations in this matter, for the nature of railway service makes it necessary to engage employees on terms which will allow of their discharge, if their services are no longer needed.

NUMBER OF INDIAN, ANGLO-INDIAN AND EUROPEAN EMPLOYEES OF THE EAST INDIAN RAILWAY DISCHARGED DURING THE YEAR 1927.

503. **Mr. Amar Nath Dutt** : Will Government please lay on the table a statement showing the number of Indian, Anglo-Indian and European employees of the East Indian Railway discharged from service during the year 1927 giving reasons for discharge ?

Mr. A. A. L. Parsons : Government regret that they are not willing to undertake the preparation of such a statement.

CLASSES OF EMPLOYEES OF THE EAST INDIAN RAILWAY ENTITLED TO RENT-FREE QUARTERS.

504. **Mr. Amar Nath Dutt** : (*a*) Will Government please state which classes of workers of East Indian Railway are entitled to rent-free quarters ?

(*b*) Are all employees who are entitled to rent-free quarters provided with quarters ? If the answer be in the negative, will Government please state the number of employees who have not been provided with quarters ?

(*c*) Is it a fact that the employees who have not been provided with rent-free quarters are given a house allowance in lieu of quarters ? If so, what is the rate of such allowance ?

(*d*) Is it a fact that some employees who are not entitled to rent-free quarters under the existing rules, but have been provided with quarters have to pay rent at the rate of one-ninth of their pay ?

(*e*) Is there any difference between the rate of house allowance paid to the staff who are entitled to rent-free quarters and the house rent deducted from those who are not entitled to rent-free quarters but have been provided with quarters ? If so, will Government please state the reasons for such difference ?

Mr. A. A. L. Parsons : Government regret that they are not prepared to undertake the enquiries in the detail which an answer to the Honourable Member's question will entail.

APPOINTMENT OF ANGLO-INDIAN GUARDS TO OFFICIATE AS STATION MASTERS AT CERTAIN STATIONS ON THE EAST INDIAN RAILWAY.

505. **Mr. Amar Nath Dutt** : Is it a fact that at Patna Junction, Jha Jha, Mokameh, Kiul and other important stations whenever the station masters have gone on leave Anglo-Indian guards from outside have been sent to work as station masters there in supersession of the claims of the senior assistant station masters of the station ? If so, will the Government be pleased to state the reasons for not complying with the statement contained in their letter No. 6164, dated the 22nd May 1928 ?

Mr. A. A. L. Parsons : Government are not aware of the detailed arrangements which may have been made at these particular stations in the past. I must point out that senior assistant station masters at these or other stations have no claim to officiate. There is nothing in the letter mentioned by the Honourable Member suggesting that they have any such claim.

PAY OF STATION MASTERS AND ASSISTANT STATION MASTERS ON THE EAST INDIAN RAILWAY.

506. **Mr. Amar Nath Dutt**: (*a*) Will Government please state the maximum pay of Indian station masters and assistant station masters, and the minimum pay of European and Anglo-Indian station masters and assistant station masters on the East Indian Railway ? If there be any difference, will Government be pleased to state the reasons ?

(*b*) In view of the assurance of the Government that racial discrimination has been eliminated from the East Indian Railway, do Government propose to raise the pay of Indian station masters and assistant station masters to the level of the European and Anglo-Indian station masters and assistant station masters ?

Mr. A. A. L. Parsons: (*a*) A statement showing the rates of pay of station masters and assistant station masters on the East Indian Railway is being sent to the Honourable Member. These apply equally to all employees of whatever race.

(*b*) Does not arise.

PAY OF JUNIOR CLERKS OF THE INSPECTORS' OFFICES OF THE ENGINEERING DEPARTMENT, EAST INDIAN RAILWAY.

507. **Mr. Amar Nath Dutt**: Is it a fact that the junior clerks of the Inspectors' offices of the Engineering Department who are all in grade V, are blocked at Rs. 60 ? Is it a fact that the maximum of grade V is Rs. 80 ? If so, will the Government state the reasons for withholding the maximum pay of the grade from these junior clerks of the Engineering Department ?

Mr. A. A. L. Parsons: Government have no information, but have sent a copy of the Honourable Member's question to the Agent of the East Indian Railway in order that he may consider whether any action is necessary.

EXPENDITURE INCURRED BY THE EAST INDIAN RAILWAY ON THE CREW DEPARTMENT AND TRAVELLING TICKET INSPECTORS.

508. **Mr. Amar Nath Dutt**: (*a*) Will Government please state the amount spent by the East Indian Railway in each Division for making payment of salary and allowances to staff and officers and other expenses in connection with the Crew Department during the year ending 31st March, 1928 ?

(*b*) Will Government please state the expenditure incurred for payment of salary and allowances to the Travelling Ticket Inspectors in the year 1927-28 in each division ?

(*c*) Will Government please lay on the table a statement showing the amount realised by the (1) Crew Department and (2) Travelling Ticket Inspectors as fares from passengers travelling without tickets during the year 1927-28 in each Division ?

Mr. A. A. L. Parsons: Information is being collected and will be supplied to the Honourable Member in due course.

TRANSFER OF TRAVELLING TICKET INSPECTORS TO INFERIOR POSITIONS IN THE CREW DEPARTMENT OF THE EAST INDIAN RAILWAY.

509. **Mr. Amar Nath Dutt**: Is it a fact that the old Travelling Ticket Inspectors and station Ticket Collectors have been temporarily transferred to the Crew Department where they hold inferior positions and that outsiders have been appointed as Crew Inspectors and Crew-in-charges on higher pay ? If so, why ?

Mr. A. A. L. Parsons: The position was, and is, that the old employees to whom the Honourable Member refers were not qualified to discharge the duties of the higher grade posts, and that in preference to discharging them they were transferred to lower posts the duties of which it was considered they could perform satisfactorily.

REPRESENTATION OF THE TRAVELLING TICKET INSPECTORS OF THE DINAPUR DIVISION, EAST INDIAN RAILWAY.

510. **Mr. Amar Nath Dutt**: Is it a fact that the Travelling Ticket Inspectors of the Dinapur Division submitted a representation to the railway authorities protesting against the unfair treatment accorded to them ? If so, what action has been taken on the same ?

Mr. A. A. L. Parsons: Government have no information and regret that they cannot undertake to enquire into cases which are entirely within the competence of the Agent of the Railway.

APPOINTMENT OF CREW OFFICERS IN EACH DIVISION OF THE EAST INDIAN RAILWAY.

511. **Mr. Amar Nath Dutt**: (*a*) Is it a fact that high-salaried Crew officers have been appointed in each Division ? Is it a fact that there are a sufficient number of officers in all the Divisions since the introduction of divisional system of work ? What objection, if any, have Government to entrust these officers with the work of the Crew Department instead of appointing additional officers for the purpose ?

(*b*) Is it a fact that the work of the Crew Department can be managed by the Divisional Officers, Ticket Inspectors and station masters more efficiently and economically than by the newly appointed officers and station inspectors and Night men-in-charge of the Crew Department ?

(*c*) Is it a fact that since the introduction of the Crew Department it has been a close preserve for outsiders and the old Travelling Ticket Inspectors and Ticket Collectors are rigidly excluded from higher posts of the Department ?

(*d*) Is it a fact that the new Crew-in-Charges and Inspectors are allowed to issue excess fare tickets although they have not furnished any cash security ? If so, what security have Government in cases of misappropriation ?

Mr. A. A. L. Parsons: (*a*) An additional junior scale officer has been appointed in charge of the crew organisation on those divisions of the East Indian Railway on which the crew system operates. The crew system was a new activity over which supervision is necessary, but that supervision could not be carried out by officers who already had their time fully occupied with other duties.

(*b*) Certainly not.

(*c*) No.

(*d*) The answer to the first part of the question is in the affirmative. The sums in the hands of the crew-in-charges and the Inspectors at any one time are not so large as to require a security deposit.

TRANSFER OF TRAVELLING TICKET INSPECTORS TO THE CREW DEPARTMENT ON THE EAST INDIAN RAILWAY.

512. **Mr. Amar Nath Dutt** : Will the Government please lay on the table a copy of the minutes of a meeting of the officers of the East Indian Railway held on 3rd May, 1927, in connection with the transfer of the Travelling Ticket Inspectors to the Crew Department, a copy of the representation submitted by the Travelling Ticket Inspectors to the Divisional Superintendent of Howrah on the subject and the reply thereto, dated 22nd November, 1927 ?

Mr. A. A. L. Parsons : Government are not prepared to lay these departmental papers on the table.

DAILY ALLOWANCE OF MEMBERS OF THE CENTRAL LEGISLATURE.

513. **Mr. Fazal Ibrahim Rahimtulla** : (*a*) Are the Government aware that the allowance of Rs. 20 per day is not sufficient for the Members coming up to Simla ?

(*b*) If so, do Government propose to consider the advisability of increasing it ?

Mr. L. Graham : (*a*) The reply is in the negative.

(*b*) Does not arise.

GENERAL ELECTIONS OF THE LEGISLATIVE ASSEMBLY AND THE COUNCIL OF STATE.

514. **Kumar Rananjaya Singh** : Will Government be pleased to state when the general elections of the Legislative Assembly and the Council of State are going to be held ? Is it a fact that these elections are going to be held after the report of the Simon Commission and the passing of the new Government of India Act ?

Mr. L. Graham : Power to extend the life of the Assembly and the Council of State is vested in the Governor General under section 63D of the Government of India Act. Government have no information on either part of the question.

TOTAL NUMBER OF POLITICAL PRISONERS IN INDIA

515. **Kumar Rananjaya Singh** : What is the total number of political prisoners all over India and how many of them are Hindus and how many Muhammadans ?

The Honourable Mr. J. Crerar : If the Honourable Member will explain precisely what he means by political prisoners, I will see whether the information can be supplied.

TOTAL NUMBER OF DAFTARIES, PEONS, FARASHES AND OTHER MENIALS EMPLOYED IN THE INDIAN STORES DEPARTMENT, ETC.

516. **Haji Chaudhury Mohammad Ismail Khan** : (*a*) What is the total number of daftaries, peons, farashes and other menials working in the Indian Stores Department, and how many of them are Muslims ? What procedure is adopted by this Department in recruiting suitable men for these posts ?

(*b*) Are the Government aware that a considerable section of the ministerial staff of this Department are dissatified with this office and prefer to be transferred to other Departments of the Government of India, including attached offices, and that of late difficulties are being put in their way to get jobs in other offices for one reason or another ?

The Honourable Mr. A. C. McWatters : (*a*) The total number of daftaries, peons and farashes employed in the office of the Chief Controller of Stores, Indian Stores Department, is 58, of whom 3 are Muslims. Candidates are selected from among those applying for appointments.

(*b*) No. I understand that one typist was recently prevented from transferring his services temporarily to another office, but I am not aware of any general discontent.

TOTAL STRENGTH OF THE CLERICAL AND MENIAL ESTABLISHMENTS OF THE BOMBAY PURCHASE CIRCLE.

517. **Haji Chaudhury Mohammad Ismail Khan** : Will the Government kindly state the total number of clerical and menial staff employed in the Bombay Purchase Circle of this Department, and the number of Muslims in each class ? What steps have been taken in the past by this Circle to secure communal adjustment of the staff ?

The Honourable Mr. A. C. McWatters : The total strengths of the clerical and menial establishments of the Bombay Purchase Circle are 1 and 9, respectively. Of these one, a menial, is a Muslim. The necessity for securing adequate communal representation in his staff has been impressed on the Officer in charge of the Circle, who reports that this consideration is kept in view when effecting recruitment.

INADEQUACY OF THE SCALES OF PAY OF THE SUBORDINATE STAFF EMPLOYED ON THE BENGAL AND NORTH WESTERN RAILWAY.

518. **Mr. Amar Nath Dutt** : Will the Government be pleased to state if of late there was any correspondence between the Railway Board at Simla and the Agent, Bengal and North-Western Railway, regarding the scale of pay of the Indian subordinate staff working on this Railway and whether the Railway Board pointed out to the Agent, Bengal and North Western Railway, the inadequacy of its scales and their vast difference from those prevailing on other Indian Railways ?

(*i*) If the answer is in the affirmative will the Government be pleased to place the correspondence before the House ?

(*ii*) If the answer is in the negative do the Government propose to ask the Bengal and North-Western Railway to increase its scales ?

Mr. A. A. L. Parsons : There has been no such correspondence and Government do not propose to take up the matter with the Agent.

OVERWORKED STAFF IN THE TRAFFIC AND LOCOMOTIVE DEPARTMENTS ON THE BENGAL AND NORTH WESTERN RAILWAY.

519. **Mr. Amar Nath Dutt** : (*i*) Is it a fact that the staff employed in the Traffic and Locomotive Departments on the Bengal and North-Western Railway are overworked ?

(*ii*) Do some of them work for 12 hours a day and some for 24 hours ?

(*iii*) Is it a fact that the train staff have no limit to their working ?

(*iv*) If the reply be in affirmative do the Government propose to ask the Bengal and North-Western Railway to reduce the working hours ?

Mr. A. A. L. Parsons : I propose with your permission, Sir, to reply to questions Nos. 519, 521, 524, 525, 526 and 527 together. Enquiries are being made from the Railway Administration and I will communicate with the Honourable Member in due course.

CASUALTIES IN THE ACCIDENT BETWEEN HAYAGHAT AND KISHANPUR STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

520. **Mr. Amar Nath Dutt** : (1) (*a*) Will the Government be pleased to state the number of casualties and wounded in the accident of train partition and collision which took place between Hayaghat and Kishanpur stations on the B. and N.-W. Railway ?

(*b*) What was the cause on the night of 22nd January last of the accident ?

(*c*) Who was responsible for it ?

(*d*) What action has been taken against the party at fault ?

(2) (*a*) Is it a fact that the driver and other crew of the above-mentioned wrecked train were continuously on duty for about 19 hours when the accident took place ?

(*b*) Was she running without a vacuum brake ?

(*c*) Is it a fact that most of the trains on this Railway do run without vacuum brakes ?

(*d*) Was an enquiry held into this accident ? (*i*) If so, by whom, and (*ii*) was the fact of over-work of the Engine crew taken into consideration by the enquiring officer in submitting his report to the higher authorities ?

Mr. A. A. L. Parsons : (1) (*a*) 8 persons were killed and 15 were injured.

(*b*) In the opinion of the Senior Government Inspector who made an enquiry, the cause of the accident was the derailment of an empty road van attached next to the engine.

(*c*) and (*d*). No one is responsible ; the occurrence was purely accidental.

(2) (*a*) There is nothing to show that this was so, but I am enquiring from the Agent of the Railway.

(*b*) Yes.

(*c*) No. Over 63 per cent. of the coaching vehicles (including brake vans used exclusively on passenger trains) on the Bengal and North Western Railway are vacuum braked.

(*d*) An enquiry was held by the Senior Government Inspector of Railways and by the District Magistrate, Darbhanga, but neither of their reports suggests that the engine crew had been over-worked.

EMPLOYMENT OF MARKERS OF THE BENGAL AND NORTH WESTERN RAILWAY AS CLERKS, ASSISTANT GOODS CLERKS AND GOODS CLERKS AT SOME OF THE ROADSIDE AND JUNCTION STATIONS.

†521. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that on the Bengal and North-Western Railway, markers are appointed at some of the roadside and junction stations for the purpose of working as clerks, assistant goods clerks or goods clerks ?

(*b*) Is it a fact that they get a starting salary of Rs. 10 or 12 per mensem and there are only a few who get Rs. 16 per mensem ?

(*c*) Is it a fact that they are reckoned as menials and though their services are retained permanently they are kept in temporary scales and are deprived of all the privileges to which other servants of the same Railway are entitled ?

(*d*) If the reply be in the affirmative do the Government propose to take action to have this undesirable practice discontinued ?

(*e*) If not, why ?

EMPLOYMENT WITHOUT EXTRA REMUNERATION OF ASSISTANT GUARDS AND SHUNTERS AS GUARDS AND DRIVERS, RESPECTIVELY, ON THE BENGAL AND NORTH WESTERN RAILWAY.

522. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that (*i*) the assistant guards and shunters drawing salaries from Rs. 12 to 18 and Rs. 19 to 24 *per mensem*, whether qualified or not, are continuously made to work as guards and drivers respectively on the Bengal and North-Western Railway ?

(*ii*) Are they paid an extra allowance for working as guards and drivers ?

(*iii*) Are they held responsible and punished for any irregularity or error the same as guards and drivers ?

(*b*) Do the Government propose to take steps, so that such a practice may cease ?

(*c*) If not, why ?

Mr. A. A. L. Parsons : The Honourable Member is referred to the reply given to Mr. Joshi's starred question No. 274 on the 8th September.

A copy of the Honourable Member's question has been sent to the Agent.

†For answer to this question, see answer to question No. 519.

PAY OF SIGNALLERS EMPLOYED AT STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

523. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state the difference of responsibilities and duties between signallers employed in the Government telegraph offices and at stations on the Bengal and North-Western Railway ?

(*b*) Is it a fact that the responsibility of signallers on this Railway is much more than the signallers in the Government telegraph offices and concerns the safety of the travelling public ?

(*c*) Is it a fact that the signallers in this Railway at wayside stations get salaries between Rs. 20 and Rs. 30 only and at junction stations between Rs. 30 and 50 ?

Mr. A. A. L. Parsons : (*a*) and (*b*). It is not practicable to make a fair comparison between the responsibilities and duties of signallers employed in Government telegraph offices and of signallers employed on the Bengal and North Western or any other Railway. The technical and general educational qualifications required of a Government telegraph signaller are higher than those of a railway signaller, as the methods adopted for sending and receiving messages in Government telegraph offices are complicated while those required in railway working are simple. And further the signalling work in a Government telegraph office is of a far more concentrated and arduous nature than it is in an ordinary wayside or junction station.

(*c*) Enquiries are being made from the Railway Administration and I will communicate with the Honourable Member in due course.

PAY OF INDIAN GUARDS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†524. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Indian guards on the Bengal and North-Western Railway receive the minimum remuneration of Rs. 20 per mensem and there are only four or five who receive at most Rs. 60 per mensem ?

(*b*) Is it a fact that the Indian guards used to get Rs. 21 as their minimum remuneration up to year 1923, but that in the revision of scales of their salary and allowance their minimum salary was reduced to Rs. 20 per month ?

(*c*) Is it a fact that there are several classes of guards on this Railway ?

(*d*) What are the differences of duties of guards in the various classes ?

(*e*) Is it a fact that the scales of pay and allowance of guards on this Railway provide that promotion from one class to another cannot be claimed as a right but will be made according to vacancies and qualifications ?

(*f*) Is it a fact that guards on this Railway in any class are qualified and actually work all description of trains ?

(*g*) Is the remuneration of guards adequate on the Bengal and North-Western Railway ?

†For answer to this question, see answer to question No. 519.

(*h*) If not, what action do Government propose to take to ensure an adequate salary to the guards on the Bengal and North-Western Railway ?

PAY OF STATION MASTERS OF THE FIVE CLASSES OF STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

†525. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that there are five classes of stations on the Bengal and North-Western Railway ?

(*b*) Is it a fact that most of the stations are classed as " C " ?

(*c*) Is it a fact that station masters of " C " class stations receive a fixed salary of Rs. 50 while the salaries of the station masters of other classes are increased gradually ?

(*d*) If reply to question (*c*) be in the affirmative, will the Government be pleased to state the principle on which the salary of the various classes of station masters is fixed ?

PAY OF CERTAIN SPECIFIED CLASSES OF EMPLOYEES ON THE BENGAL AND NORTH WESTERN RAILWAY.

†526. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the following salaries are provided in the current budget and establishment roll of the Bengal and North-Western Railway for :

		Lowest.	Highest.
Drivers	European ..	120	200
	Indian	25	75
Shunters	European ..	60	80
	Indian	19	24
Firemen	European ..	35	60
	Indian	12	18
Fitter	European ..	50	200
	Indian	15	40
Carriage Examiner	European ..	100	200
	Indian	30	70

(*b*) If reply be in the affirmative, will Government be pleased to state the reasons for observance of distinction in payment of remuneration to public servants of equal responsibilities and between Indians and Europeans ?

†For answer to this question, see answer to question No. 519.

GRANT OF CONCESSIONS AND OTHER FACILITIES BY THE AUTHORITIES OF THE BALRAMPUR HOSPITAL, LUCKNOW, TO THE INDIAN EMPLOYEES OF THE BENGAL AND NORTH WESTERN RAILWAY.

527. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Bengal and North-Western Railway annually contributes a sum of Rs. 600 to the funds of the Balrampur Hospital at Lucknow and in lieu of this the hospital authorities grant concessions and afford other facilities to European and Anglo-Indian employees of the said Railway ?

(*b*) Are any such contributions made by the Bengal and North-Western Railway for facilities to be afforded and concessions to be granted to its Indian employees in the Balarampur or any efficient hospital ? If so, how much and to which hospital ? If not, why ?

NUMBER OF INDIAN OFFICERS EMPLOYED ON THE BENGAL AND NORTH WESTERN RAILWAY.

528. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state :

(*i*) The number of officers on the Bengal and North-Western Railway ?

(*ii*) How many out of them are Indians ?

(*iii*) Amount of salaries paid to them per mensem for the last three years ?

(*iv*) How much to Indian officers ?

(*v*) Number of upper subordinates ?

(*vi*) How many out of them are Europeans, Anglo-Indians and how many Indians ?

(*vii*) Amount of salaries paid to them ?

(*viii*) How much to Indian upper subordinates ?

(*b*) (*i*) Is it a fact that none of the District Officers and Heads of Department, and even of the Foremen of Running Sheds and Workshops is an Indian ?

(*ii*) If not, why ?

Mr. A. A. L. Parsons : (*a*) (*i*), (*ii*), (*v*) and (*vi*). The Honourable Member is referred to Appendix F of the Report by the Railway Board on Indian Railways, copies of which are in the Library.

(*a*) (*iii*), (*iv*), (*vii*) and (*viii*). Government have no information and they do not think that the labour involved in collecting it will serve any useful purpose.

(*b*) (*i*) and (*ii*). A communication on these points will be sent to the Honourable Member in due course.

INADEQUATE PAY OF THE STAFF OF THE BENGAL AND NORTH WESTERN RAILWAY.

529 **Mr. Amar Nath Dutt** : (*a*) (*i*) Is it a fact that the employees on the Bengal and North-Western Railway are generally low paid ?†

†For answer to this question, see answer to question No. 519.

(*ii*) Is it a fact that the Agent, Bengal and North-Western Railway, wrote to the President of Bengal and North-Western Railwaymen's Association saying that his Railway is unable to maintain a staff of the same qualifications as in the Oudh and Rohilkund Railway and the East Indian Railway ?

(*iii*) What qualifications do railway servants possess ?

(*iv*) Does the Agent, Bengal and North-Western Railway, mean to say that the staff of his Railway are not qualified or efficient as the railway servants must be ?

(*b*) Will the Government be pleased to state :

(*i*) The effects and results of services of semi-qualified staff on Railways ?

(*ii*) Whether the meagre profit of the said Railway is one of the causes of inadequate salaries paid to its staff ?

(*iii*) The percentage of declared dividend to its shareholders during the year ending 30th September 1927 ?

(*iv*) Whether it was 18 per cent.

(*v*) Is it not sufficient to maintain sufficiently a qualified staff or to pay them adequately ?

(*c*) (*i*) Do Government propose to direct the administration of the said Railway to pay its staff sufficiently ?

(*ii*) If not, why ?

Mr. A. A. L. Parsons : (*a*) (*i*) It is not understood what the Honourable Member means by " low paid ". Government understand that the cost of living is lower in the areas served by the Bengal and North-Western Railway than in other parts of India, and it is not, therefore, necessary to pay as high salaries to certain classes of railway employees there as elsewhere.

(*ii*) Government have no information.

(*iii*) Such qualifications as are required for the performance of the various classes of duties required of them.

(*iv*) Government feel sure that the Agent of the Railway has never committed himself to any statement of this kind.

(*b*) A dividend of 18 per cent. was declared for the year ending 30th September, 1927. Government do not agree with the assumptions underlying the remaining parts of the Honourable Member's question.

(*c*) (*i*). Government do not propose to do so.

(*ii*) Because Government do not accept the assumption on which the Honourable Member asks for such instructions to be issued.

CHARGES FOR LOADING AND UNLOADING OF GOODS ON THE BENGAL AND NORTH WESTERN RAILWAY.

530. **Mr. Amar Nath Dutt** : (*a*) (*i*) Is it a fact that the Bengal and North Western Railway does not pay for the charges of loading and unloading of goods in and out of wagons but engages the services of an insufficient number of porters for the purpose and compels the station

masters to have loading and unloading done with the labour of merchants despatching and receiving goods through it ?

(*ii*) How much did this Railway pay on this account and at what rate last year and how much for the 10 years before last ?

Mr. A. A. L. Parsons : (*i*) A complaint received about a year ago by the Railway Board suggests that there is some dissatisfaction on this score.

(*ii*) I am afraid the figures are not procurable, but I am sending a copy of the Honourable Member's question to the Agent of the Railway in order that he may see whether action still requires to be taken.

DETECTION OF BASE COINS AND FORGED CURRENCY NOTES ON THE BENGAL AND NORTH WESTERN RAILWAY.

531. **Mr. Amar Nath Dutt** : Will the Government be pleased to state :

(*i*) whether station masters or other responsible clerks of stations on the Bengal and North Western Railway are made to pay for all base coins and forged Government currency notes received in the treasury of the said Railway along with the cash remittance of stations ?

(*ii*) what is the procedure for detecting base coins and forged notes in the said treasury ?

(*iii*) what training is imparted to the staff at stations on the said Railway to make them capable of detecting base coins and forged notes while they receive an unlimited number of coins and notes from the public in a very short time in lieu of freights and fares ?

Mr. A. A. L. Parsons : I am not aware of the exact procedure on the Bengal and North-Western Railway, but will make enquiries and inform the Honourable Member of the result.

REFUSAL OF THE AGENT TO RECOGNISE THE BENGAL AND NORTH WESTERN RAILWAYMEN'S ASSOCIATION.

532. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state :

(*i*) Is there an Association of employees of the Bengal and North Western Railway entitled the " Bengal and North Western Railwaymen's Association " ?

(*ii*) Is it a registered union under the Trade Unions Act, XVI of 1926 ?

(*iii*) If so is the Agent of said Railway not prepared to recognize the registered association of his employees ?

(*iv*) If not, why not ?

(*b*) Is it a fact that the Agent of the Bengal and North Western Railway wrote to the General Secretary of the Association of employees of that Railway as follows :

" As you are aware this Railway does not recognize the Bengal and North Western Railwaymen's Association and I now beg to inform you that in future any communication received by me or any of the officers of this Railway from you or from members of the Association will not be read, but will be immediately torn up and put in the waste paper basket."

(*c*) Is it a fact that since then the said Agent does not reply to any communications of that Association ?

(*d*) Will the Government be pleased to state what are the reasons for taking such drastic action, seriously offending the entire Association and its honorary and paid office-bearers ?

Mr. A. A. L. Parsons : (*a*) to (*d*). Enquiries are being made from the Railway administration and I will communicate with the Honourable Member in due course.

COMMUNICATION IN WRITING OF THE REASONS FOR DISMISSAL OR DISCHARGE OF AN EMPLOYEE ON THE BENGAL AND NORTH WESTERN RAILWAY.

533. **Mr. Amar Nath Dutt** : (*i*) Is it a fact that reasons for dismissal and discharge of an employee on the Bengal and North-Western Railway are not communicated to him in writing ?

(*ii*) Is it a fact that no mention is made of such reasons in the service certificates granted to the employees and sometimes no remark is even made regarding character although space is provided for the purpose but that such space is either left blank or dashed ?

(*iii*) Is it also a fact that only one copy of the agreement bond of employment is filled in and signed by the executing employee but that a copy of it signed by the employers is not given to the executors ?

Mr. A. A. L. Parsons : (*i*) and (*ii*). The Honourable Member is referred to the reply given to Mr. Joshi's question No. 706 of 20th September, 1928.

(*iii*) I would refer the Honourable Member to the reply given to Mr. Joshi's starred question No. 707 on the 20th September, 1928.

TIME TAKEN BY FIRST DIVISION CLERKS OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS TO REACH THE MAXIMUM OF THEIR TIME SCALE OF PAY.

534. **Pandit Nilakantha Das** : (*a*) Is it a fact that, in the clerical time-scales of pay introduced in the Postal Department throughout India and Burma the maximum of the scale can ordinarily be reached in 21 years or so ?

(*b*) Is it a fact that the same time is taken in reaching the maximum in the time-scale of pay sanctioned for the upper division assistants in the Government of India Secretariat ?

(*c*) Is it a fact that the same time-limit is not observed in respect of the first division clerks of the office of the Director-General, Posts and Telegraphs, and that they have to take 25 years or so in reaching the maximum of their scale ?

(*d*) If so, will the Government be pleased to state the reasons for this anomaly and do Government propose to take steps to remove the same ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Yes.

(*c*) Yes.

(*d*) The scale of pay for the first division clerks of the Director-General's office has been fixed with reference to that sanctioned for clerks of similar status in the attached offices of the Government of India where the maximum is attainable in the 25th year.

REDUCTION IN THE RATE OF INCREMENTS OF FIRST DIVISION CLERKS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

535. Pandit Nilakantha Das : (*a*) Is it a fact that, prior to 1st March 1921, the rate of increment in the then grades of Rs. 100—150 and Rs. 150—200 for the first division (then A class) clerks in the office of the Director-General, Posts and Telegraphs, was Rs. 10 per annum ?

(*b*) If so, will the Government be pleased to state the reasons for decreasing the rate of increment

(1) between the Rs. 100—150 stage from Rs. 10 to Rs. 5 in the time-scale of Rs. 80—80—100—5—150—10—250 introduced for the first division (then A class) clerks of the office from 1st March, 1921, and again

(2) between the Rs. 150—160 stage from Rs. 10 to Rs. 6 in the revised time-scale of Rs. 100—6—160—10—300 introduced from the 1st August 1927 ?

(*c*) If the reduction in the rate of increment is due to an increase in the minimum pay, will the Government be pleased to state why any similar reduction has not been made in case of the Superintendents (then Head Assistants) of the Office of the Director-General, Posts and Telegraphs, the minimum of whose pay has been raised by Rs. 100 and the maximum by Rs. 200 since 1921 ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) (1) because a separate Departmental Committee recommended that the three former grades of Rs. 50—5—100, Rs. 100—10—150 and Rs. 150—10—200 should be replaced by a single time-scale of Rs. 80—80—100—5—150—10—250.

(2) because on the 1st August, 1927, the transfer of the office from Calcutta to New Delhi was completed, and from that date the above time-scale of pay was raised to Rs. 100—6—160—10—300 as against Rs. 120—8—160—10—350 sanctioned for the first division clerks in the attached offices of the Government of India.

(*c*) In view of the reply to part (*b*) above, this part of the question does not arise.

SUPERSESSION BY TWO SOLDIER CLERKS OF SEVERAL OFFICIATING FIRST DIVISION ASSISTANTS IN THE OFFICE OF THE MASTER GENERAL OF SUPPLY.

536. Pandit Nilakantha Das : 1. With reference to the reply given in this House on 27th March 1928 to parts (*a*) and (*b*) of unstarred question No. 481, will Government please state :

(*a*) the criterion by which the " greater merit and suitability " of the two soldier clerks was determined compared to the civilian officiating first division clerks ?

(*b*) how, when and by whom were their relative merits tested ?

2. Will Government please state the academic qualifications and the length of service in the clerical line of the two soldier clerks in question and the other civilian clerks superseded by them ?

Mr. G. M. Young : 1. (*a*) The question is not understood. The selection of the two soldier clerks was, no doubt, the result of a comparison of the work of all the clerks concerned.

(*b*) The tests rested on reports made by their superior officers. The tests were applied at the time of confirmation and by the head of the office.

2.	*Soldier clerks.*	*Civilian clerks.*
Academic qualifications ..	1st Class Army School Certificate of Eduction.	1 M.A. 2 B.As. 2 Intermediates.
Length of service at Army Headquarters at date.	Between 1 and 2 years (excluding their Army service).	Between 3 and 6 years.

ARTICLE IN THE *Mazdoor* OF THE 21ST JULY, 1928, ENTITLED " GUARDS' REST IN DINAPUR DIVISION " (EAST INDIAN RAILWAY).

537. Mr. Amar Nath Dutt : (*a*) Has the attention of the Government been drawn to an article headed " Guards' rest in Dinapur Division " in the *Mazdoor* of the 21st July, 1928 ? If so, will the Government be pleased to state what action, if any, has been taken against insufficient rest of the guards of the East Indian Railway ?

(*b*) Is it a fact that there are many vacancies in the guards' list which have not yet been filled up ? If so, will Government please state why the appointment of guards has not been made in spite of ' under rest ' and shortage of guards ?

Mr. A. A. L. Parsons : (*a*) Government have not seen the article mentioned by the Honourable Member.

(*b*) They have no information as to the number of vacancies in the guards' list on the East Indian Railway, which is in any case purely a matter for the local authorities to deal with.

WAGES OF SKILLED AND UNSKILLED WORKMEN OF THE LILLOOAH WORKSHOPS, EAST INDIAN RAILWAY.

538. Mr. Amar Nath Dutt : (*a*) Is it a fact that the rates of wages of skilled and unskilled workmen of the Lillooah workshops are much less than those of the workmen of the Jamalpur and Lucknow workshops ? If so, will Government be pleased to state the reasons for such difference in wages of the employees of one and the same Railway ?

(*b*) Is it a fact that the workmen of Lillooah are given daily wages unlike the workmen of Jamalpur and Lucknow ? If so, will Government be pleased to state the reasons for such differential treatment ?

Mr. A. A. L. Parsons : (*a*) No comparison has been made of the rates of wages of workmen at Lillooah and Jamalpur, but in connection with the demands of the men at Lillooah the Agent made an investigation of the

rates at Lillooah and at Lucknow, and he found that, though there were naturally some differences in the rates prevailing in places so far apart owing to the entirely different conditions ruling at the two places, the general level of the rates of pay at Lillooah did not compare unfavourably with the general level of the rates at Lucknow, particularly when it is borne in mind that at Lillooah the staff only work for 42½ hours a week, whereas at Lucknow they work for 48 hours a week.

(*b*) They are making enquiries from the Agent whether there is any difference in this respect between Lillooah, Jamalpur, and Lucknow, and will let the Honourable Member know in due course.

PROVISION OF QUARTERS FOR THE WORKMEN OF LILLOOAH, EAST INDIAN RAILWAY.

539. **Mr. Amar Nath Dutt** : Is it a fact that there is no arrangement for house accommodation for the workmen of Lillooah ? If so, will Government please state what steps have been taken to provide the workmen with quarters ?

Mr. A. A. L. Parsons : It is proposed shortly to carry out an investigation into the housing conditions of the workshop staff at Lillooah.

SECURITY OF SERVICE FOR THE WORKMEN EMPLOYED AT LILLOOAH, EAST INDIAN RAILWAY.

540. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that there is no security of service for the workmen of Lillooah, and that their services are dispensed with by the foremen without any enquiry by the higher officers of the workshops ?

(*b*) Will Government please lay on the table a statement showing the number of workmen dismissed and discharged from service and the number of new men engaged in their place during the year 1927 ?

Mr. A. A. L. Parsons : (*a*) This is not so. Where the services of a workman at Lillooah are dispensed with, a full enquiry is made by a Special Establishment Officer. In no case can services of a workman be dispensed with by the foreman.

(*b*) Government regret they are not prepared to undertake the enquiry which the answer to the Honourable Member's question will entail.

CHARGES OF BRIBERY AND CORRUPTION AGAINST THE FOREMEN EMPLOYED IN THE LILLOOAH WORKSHOPS OF THE EAST INDIAN RAILWAY.

541. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the workmen of Lillooah constantly reported to the authorities about bribery and corruption amongst the foremen ? If so, what action has been taken to enquire into the truth or otherwise of the reports ?

(*b*) Is it a fact that the workmen of Lillooah produced documentary evidence of bribery against some of the subordinate officers of the workshops and that some of the officers complained against were granted leave to go out of India ? If so, will Government please state if any enquiry was made before granting leave and whether any prosecution was ordered in cases where bribery was proved ? If not, why not ?

Mr. A. A. L. Parsons : Government are not aware that any such complaints were made by the Lillooah workmen. They are asking the Agent for his remarks on the allegations contained in the Honourable Member's question, and for that purpose I shall be obliged if the Honourable Member will put me in possession of the documentary evidence on which the allegations are based.

ALLEGED BRIBERY AND CORRUPTION AMONGST THE SUBORDINATE OFFICERS EMPLOYED IN RAILWAY WORKSHOPS.

542. **Mr. Amar Nath Dutt** : (*a*) Has the attention of the Government been drawn to an article in the *Mazdoor*, dated 25th January 1928, under the heading " An open challenge " ? If so, what action has been taken on it ?

(*b*) Is it a fact that the prevalence of corrupt practices in the workshops is due to lack of supervision of the higher officers of the Railway ? If so, will Government please state what action they propose to take against these officers ?

(*c*) Are the Government aware that on several occasions attempts were made to penalise the workmen who produced documents to prove bribery and corruption amongst the subordinate officers ? Do the Government propose to put a stop to such attempts ?

Mr. A. A. L. Parsons : Government have not seen the article mentioned by the Honourable Member, and do not admit there is a prevalence of corrupt practices in railway workshops or lack of adequate supervision by the higher officers of the Railway. They are not aware of any such attempts to penalise workmen as are suggested in the last part of the Honourable Member's question.

DISCONTENT AMONG THE WORKMEN EMPLOYED IN THE LILLOOAH WORKSHOPS OF THE EAST INDIAN RAILWAY.

543. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that there is grave discontent amongst the workmen of Lillooah on account of (1) low wages, (2) want of house accommodation, (3) heavy fines, (4) dismissal, and (5) bribery ? Do the Government propose to institute an enquiry into the causes of discontent ?

(*b*) Is it a fact that the authorities of the Lillooah workshops tried to obtain the thumb impressions of the workmen on blank paper through a habitual criminal, named Fazil Mistry ? Is it a fact that the General Secretary of the East Indian Railway Union which has been organized and registered under the Trade Unions Act sent a wire to the Agent of the East Indian Railway as well as to the Railway Board on the subject ? If so, will Government please state what action was taken in the matter ? Is it a fact that there was a short-lived strike in this connection which was settled by Mr. Strachey, Deputy Agent, in the absence of the Agent, Mr. Colvin, and the workers were also assured that their other grievances would be favourably considered ?

Mr. A. A. L. Parsons : (*a*) Representations were received from the workmen of Lillooah complaining of low wages and want of accommodation, but not of heavy fines, dismissal or bribery. Their complaints have

already been investigated by the Agent of the East Indian Railway and action has been taken where they were considered to be well founded.

(*b*) A telegram to the effect mentioned in the Honourable Member's question was sent by the General Secretary of the East Indian Railway Union (Khagaul) to the Secretary of the Railway Board on the 23rd January, 1928. Owing to complaints which were made against mistry. Fazil, the men had stopped work for half a day on the 23rd January, but came back to work the next day. No general assurances were made by the Deputy Agent, nor is it correct that the authorities of the Lillooah workshops tried to obtain the thumb impressions of the workmen on blank paper through the mistry mentioned.

REDRESS OF THE GRIEVANCES OF THE WORKMEN EMPLOYED IN THE LILLOOAH WORKSHOPS OF THE EAST INDIAN RAILWAY.

544. **Mr. Amar Nath Dutt** : Is it a fact that the workmen of Lillooah submitted a representation to the Agent in February last for redressing their grievances, and the Agent promised to make enquiries ? Will the Government be pleased to state the result of such enquiries ?

Mr. A. A. L. Parsons : A representation was submitted to the Agent last March. The Agent has made enquiries into the matters brought to notice in the representation, and as a result, the pay of certain of the lower classes of workmen has been increased, and an enquiry is being made into the housing conditions at Lillooah.

CAUSE OF THE STRIKE AT LILLOOAH ON THE EAST INDIAN RAILWAY.

545. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that two workmen were suspended and two were discharged from service in February last on the report of a gate-keeper to the effect that they were fighting amongst themselves outside the workshops ? Is it a fact that such charges were denied and no enquiry was made ? Is it a fact that owing to the dismissal of the men and refusal to hold an enquiry the workmen downed their tools on the 5th March last and a telegram was sent by the General Secretary of the Union to the Honourable the Commerce Member for information and settlement of the dispute ? If so, will Government please state what action was taken by the Government to settle the dispute in its early stage ?

(*b*) Was any reply given to the telegram sent by the Secretary of the Union ? Is it a fact that the strike was prolonged for five months on account of prompt steps not being taken ?

(*c*) Is it a fact that the Agent of the East Indian Railway abruptly closed the workshops and declared a lock-out without making any attempt at an amicable settlement ? If so, what were the reasons for declaring the lock-out without notice and what attempt, if any, was made to arrive at an amicable settlement ?

Mr. A. A. L. Parsons : (*a*) After an enquiry, two men were discharged on the 16th of February for fighting with each other inside the workshops about some private matter, and four men were suspended for two days for idling on 2nd March, 1928. As regards the causes of the strike the Honourable Member's attention is invited to the reply given to part (*b*) of the Honourable Mr. Ghuznavi's question No. 197 on the 4th September, 1928.

(*b*) The answer to the first part of the question is in the negative. Government do not agree that the strike was prolonged for this reason.

(*c*) This is not a fact. In a communiqué of the 6th March, 1928, the Agent reviewed the men's demands and gave his reasons for rejecting those which he could not accept. At the same time he informed the men that an investigation was being made whether the wages earned by any class or classes of the staff at Lillooah were lower than those that could be earned under similar conditions in other workshops in Calcutta or its immediate vicinity, and undertook to make the necessary enhancement in such rates, if it was found that the Lillooah rates of pay in any particular instances were lower than those obtaining elsewhere in Calcutta or its vicinity. The Agent closed the shops on the 7th March and again on the 31st July after he was clearly convinced that the men had no intention of doing any work.

MEMORIALS TO THE SECRETARY OF STATE FOR INDIA BY THE CLERICAL STAFF OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

546. **Mr. Srish Chandra Dutta** : (*a*) Is it a fact that the clerical staff of the office of the Director-General, Posts and Telegraphs, have submitted a memorial to His Majesty's Secretary of State for India, London, in July 1928 or so ?

(*b*) Is it not required by the memorial rules that the transmission to England of a memorial duly forwarded through the proper channel should not be delayed by the transmitting authority, (*i.e.*, the Government of India) beyond a month after the receipt of the memorial ?

(*c*) Have the memorials been transmitted to the Secretary of State by this time ?

The Honourable Mr. A. C. McWatters : (*a*) Government understand that memorials addressed to His Majesty's Secretary of State for India have lately been submitted by the clerical staff of the office of the Director General, Posts and Telegraphs, and that these are under examination by the Director General.

(*b*) Not exactly. There is a rule under which ordinarily the transmission to England of a memorial duly forwarded through the proper channel should not be delayed by the transmitting Government in India beyond a month after receipt of the memorial. The Honourable Member is doubtless aware that transmission of memorials may be withheld in various circumstances, or may be unavoidably delayed.

(*c*) No.

FILLING UP OF POSTS OF ASSISTANT DIRECTORS-GENERAL OF THE POST OFFICE.

547. **Mr. Srish Chandra Dutta** : Is it a fact that the posts of Assistant Secretaries in the Government of India Secretariat are generally filled up by promotion from the ranks ? If so, why is not at least a certain percentage of Assistant Directors-General of the Post Office also filled up from the office staff ?

The Honourable Mr. A. C. McWatters : The answer to the first part of the question is in the affirmative.

Assistant Directors-General of the Post Office must, for the adequate performance of their duties, be officers of technical knowledge and practical experience of Post Office work. For this reason they are selected from the cadre of Superintendents of Post Offices.

REVISED SCALES OF PAY RECOMMENDED BY THE BOOTH COMMITTEE FOR THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

548. **Mr. Srish Chandra Dutta :** (*a*) Will the Government be pleased to state the revised scales of pay recommended by the Booth Committee of 1920-21, for the Office of the Director-General, Posts and Telegraphs ?

(*b*) What were their recommendations about benefit of length of service and date of effect ?

(*c*) Were the recommendations of the Booth Committee supported by the then Director-General, Posts and Telegraphs, Sir (then Mr.) G. R. Clarke ? If not what were his recommendations as regards scales of pay, service benefit and date of effect ?

(*d*) What office did he take as a suitable parallel in respect of work and status ?

(*e*) Were the recommendations of the Director-General, Posts and Telegraphs, accepted by the Government of India ? If not, why not ?

The Honourable Mr. A. C. McWatters : (*a*)

	Rs.
Office Superintendent	500—25—700
Assistant Superintendent and Chief Clerk..	400—20—500
Head Assistant	300—20—400
'A' Class clerks	80—80—100—5—150—10—250
'B' Class clerks	50—50—60—3—120—4—140—5—150
with 2 selection posts on ..	150—10—200

(*b*) The recommendations generally were that the revision should take effect from the 1st December, 1919, and that in bringing the staff on to the revised scales of pay full benefit of length of service in the particular cadre to which they belonged should be allowed, subject to a maximum of 50 per cent. above the pay and allowances drawn on the date of revision.

(*c*), (*d*) and (*e*). Government are not prepared to disclose the particulars of their departmental discussions. After considering carefully the recommendations of the Committee, Government issued final orders in September, 1921, introducing revised scales of pay from the 1st March, 1921, and specifying the methods for bringing the staff on to those scales.

MINOR REVISIONS MADE IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS IN 1918 AND 1919.

549. **Mr. Srish Chandra Dutta :** (*a*) Is it a fact that some minor revisions in the shape of revised grading were sanctioned in the Office of the Director-General, Posts and Telegraphs, in 1918 and 1919 ?

(*b*) If so, will Government be pleased to state what were those revisions, how many men benefited by each revision and what was the cost involved in each case ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Government do not consider that any useful purpose will now be served by collecting information regarding minor changes made ten years ago.

PRESENT STRENGTH OF THE CLERICAL STAFF AND OF OFFICERS IN THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

550. **Mr. Srish Chandra Dutta :** (*a*) What was the clerical staff in the Office of the Director-General, Posts and Telegraphs, including probationers in January, 1921 ?

(*b*) What was the number of officers on that date in the office ?

(*c*) What is the present clerical staff of the office and what is the number of officers ?

(*d*) If there be any increase or decrease, will Government please state the reasons in each case ?

The Honourable Mr. A. C. McWatters : (*a*) 239 permanent clerks and 49 probationers.

(*b*) 25.

(*c*) 226 permanent clerks and 23 officers.

(*d*) The decrease of 2 posts in the cadre of officers and of 13 in the permanent clerical cadre is due to various re-organisations carried out since 1921.

DEPUTATION OF MR. A. J. GONET, A SUPERINTENDENT OF POST OFFICES, TO WORK IN THE PLACE OF THE CHIEF SUPERINTENDENT OF THE OFFICE OF THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

551. **Mr. Srish Chandra Dutta :** (*a*) Is it a fact that the Chief Superintendent of the Office of the Director-General, Posts and Telegraphs, has taken leave since the last week of June or so ?

(*b*) Is it a fact that no arrangement has been made in his place as yet and the post is being held in abeyance ?

(*c*) Is it a fact that an outsider from the gazetted rank of Superintendent of Post Offices is being deputed to the Office of the Director-General, Posts and Telegraphs, to work in place of the Chief Superintendent ? If so, who is he and was he not refused the post once before ?

(*d*) Has the attention of Government been drawn to the reply given by the Director-General on the 4th March, 1925, in the Legislative Assembly in which he stated that the posts of Superintendent in the Director-General's Office and Postal Circle Offices are, ordinarily, filled by promotion of the senior fit officials in the offices, a practice which Government did not propose to change ?

(*e*) Will the Government be pleased to state what *extraordinary* circumstances happened leading them to bring in an outsider superseding the legitimate claims of senior fit officials and without giving them a trial ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) No ; one of the senior Superintendents is officiating as Chief Superintendent.

(*c*) Yes, as a temporary measure for one year. The officer deputed is Mr. A. J. Gonet, Superintendent of Post Offices, North Calcutta Division. He was once refused the post some years ago.

(*d*) Yes.

(*e*) The attention of the Honourable Member is drawn to the reply given to Mr. Satyendra Chandra Mitra's starred question No. 653 in the current session of the Legislative Assembly.

REORGANISATION OF THE OFFICE OF THE CONTROLLER OF PRINTING AND STATIONERY.

552. **Mr. K. C. Neogy** : (*a*) With reference to the answer to clauses (*d*) and (*e*) of starred question No. 72 of the 1st February 1928, will Government be pleased to state whether any decision has been arrived at in the matter ; and if so, to what effect ?

(*b*) Is it a fact that a scheme for the reorganisation of the office of the Controller of Printing, Stationery and Stamps, has been submitted by the Controller ; if so, what is likely to be the financial effect thereof, and to what extent is the subject matter of the memorial submitted in February 1927, referred to in starred question mentioned above, covered by this reorganisation scheme ?

The Honourable Mr. A. C. McWatters : (*a*) The memorial has been received from the Controller and is under consideration.

(*b*) No scheme for the reorganisation of the office of the Controller of Printing and Stationery has been received by Government. The Controller has submitted proposals for the reorganisation of the Central Stationery Office, Calcutta, but his proposals are not directly related to the subject matter of the memorial referred to in (*a*) above.

PROMOTION OF SUB-ASSISTANTS TO OFFICIATE AS ASSISTANT SUPERINTENDENTS IN THE GEOLOGICAL SURVEY OF INDIA.

553. **Mr. K. C. Neogy** : (*a*) What are the considerations that determine the number and salary of Assistant Superintendents and Sub-Assistants, respectively, in the Geological Survey of India ?

(*b*) Is the difference between the initial salary of these two grades more or less than such difference between corresponding grades in the sister Scientific Departments under the Government of India ?

(*c*) Is it a fact that the Sub-Assistants in the Geological Survey of India are not generally permitted to officiate for Assistant Superintendents in temporary vacancies ? If so, why ?

(*d*) Who carry on the work of Assistant Superintendents, when they proceed on leave or during their absence ; and what is the average number of such absentees in the officers' list in the Geological Survey of India, during each of the last five years ?

(*e*) Is it a fact that the Sub-Assistants who have been promoted to the grade of Assistant Superintendents have been discharging their duties successfully without having any previous opportunity for officiating as Assistant Superintendents in leave vacancies ?

The Honourable Mr. A. C. McWatters : (*a*) The needs of the public service.

(*b*) Grades in the various Scientific Departments do not correspond exactly and it is not possible to give a precise answer to the question.

(*c*) Yes, because the cadre of Assistant Superintendents includes provision for a leave reserve.

(*d*) The existence of the leave reserve enables a number of Assistant Superintendents to be on leave at any one time without officiating arrangements being necessary. The average number of Assistant Superintendents absent on leave during the last 5 years is 3.

(*e*) Yes.

EMPLOYMENT OF OORIYAS IN THE GOVERNMENT OF INDIA OFFICES.

554. **Pandit Nilakantha Das** : (*a*) Will the Government be pleased to state whether there are any men from Orissa, a Division of the Province of Bihar and Orissa, serving either as clerks or as officers in the Central Government's offices, recruited through the Public Service Commission ? If so, what is their proportion as compared with the men from Bihar, the other Division of the Province, and also with those from the other Divisions of India ? If not, what action, if any, are Government going to take to remedy the same ?

(*b*) Will the Government be pleased to state how many candidates from Orissa have applied in the last year as well as in the current year for service in the Central Government's offices, not recruited for by the Public Service Commission ? If so, will the Government be pleased to state what action has been taken about it ?

The Honourable Mr. J. Crerar : (*a*) None as clerks. Officers have not hitherto generally been appointed on the advice of the Public Service Commission. The second part of the question does not arise. As regards the last part, candidates from Orissa have equal opportunities with those of other provinces of securing these posts and it is not proposed to take any special action in the matter.

(*b*) Three. The applications were received in certain subordinate offices, clerical appointments to which are made by the heads of the offices concerned, and Government have no detailed information on the subject.

EMPLOYMENT OF OORIYAS IN THE OFFICE OF THE AUDITOR GENERAL.

555. **Pandit Nilakantha Das** : (*a*) Is it a fact that there is a rule in the Auditor General's office that no one from the Province of Bihar and Orissa is to be taken into service in that office ? If so, will the Government be pleased to state the reasons therefor ?

(*b*) Will the Government be pleased to state how many men from Orissa are serving at present in the Auditor General's office and what is their proportion to the total number of employees in that office from other parts of India ? If not, what action, if any, are Government going to take to remedy the same ?

The Honourable Sir Bhupendra Nath Mitra : I would invite the attention of the Honourable Member to the replies, which will be found in the Library of the House, to starred question No. 367 and unstarred question No. 373 asked on the 7th and 12th March, 1928, respectively, on the same subject.

EMPLOYMENT OF OORIYAS IN THE OFFICES OF THE ACCOUNTANT GENERAL, RAILWAYS, RAILWAY BOARD, ETC.

556. **Pandit Nilakantha Das** : 1. Is it a fact that there is not a single Oriya in any of the Central Government's offices which are outside the scope of the Public Service Commission, *viz.* :—(*a*) Accountant General, Railways. (*b*) Railway Board. (*c*) Director General, Posts and Telegraphs. (*d*) Audit Officer, Indian Stores Department ? If so, what action do Government propose to take to remedy the same ?

2. Will the Government be pleased to state what should be a candidate's minimum qualifications, to secure a job in the Departments named in (1) above ?

The Honourable Sir Bhupendra Nath Mitra : The information required by the Honourable Member is being collected and will be furnished to him in due course.

EMPLOYMENT OF OORIYAS IN THE GOVERNMENT OF INDIA OFFICES.

557. **Pandit Nilakantha Das** : (*a*) If it is a fact that there is no Oriya in any of the offices of the Central Government, and will Government be pleased to state whether this is the case on policy, or whether it is for any other reason that Oriyas have not so long been employed in the services of the Central Government ?

(*b*) If it is on policy, will the Government be pleased to state what are the grounds for such a policy ?

(*c*) If for any other reasons, will the Government be pleased to state what they are ?

The Honourable Mr. J. Crerar : There is no policy having that intention. Oriyas have the same opportunities of securing appointments as inhabitants of the other provinces, and the facts suggest either that they are not anxious for such employment or that they have so far been unable to compete successfully.

EMPLOYMENT OF OORIYAS IN THE GOVERNMENT OF INDIA OFFICES.

558. **Pandit Nilakantha Das** : (*a*) Will the Government be pleased to state how many vacancies occurred in the various Departments of the Central Government in the last year as well as in the current year which are outside the scope of the Public Service Commission and what were their proportions of allotment to the different Provinces of India ?

(*b*) Was the question of appointing Oriyas in the services of the Central Government considered ? If not, will the Government be pleased to state the reasons therefor ?

The Honourable Mr. J. Crerar : The Honourable Member's question shows some misunderstanding of the position. Vacancies are not allotted by provinces, but are given to those candidates, irrespective of their province of origin, who appear to be best qualified. The question of appointing Oriyas as such does not therefore arise. I have not the figures asked for, but from what is stated above, the Honourable Member will see that they would serve no useful purpose.

FILLING UP OF VACANCIES IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

559. **Pandit Nilakantha Das** : With reference to the unstarred question No. 375 put by Mr. Amar Nath Dutt, in the Delhi Session (1928) of the Assembly, are the Government in a position now to give a satisfactory reply to the same ?

The Honourable Sir Bhupendra Nath Mitra : I presume that the Honourable Member is referring to the complete reply to Mr. Amar Nath Dutt's unstarred question No. 375 which was sent to him demi-officially and copies of which are available in the Library of the House. I am afraid it is not clear to me in what respects that reply was not satisfactory. If the Honourable Member will kindly make his question more explicit, I shall be glad to examine the matter further, if necessary.

NUMBER AND PAY OF GAZETTED OFFICERS IN THE PRINTING AND STATIONERY DEPARTMENT.

560. **Mr. Satyendra Chandra Mitra** : Will Government be pleased to lay on the table a statement showing how many gazetted officers were employed in the Printing and Stationery Department before the findings of the Retrenchment Committee (1922) and how many there are at present, and what are their pays including allowances now as compared with that in 1914 ?

The Honourable Mr. A. C. McWatters : The Inchcape Committee's findings were announced in 1923. A statement will be sent to the Honourable Member giving the required information for the end of 1922 and the present time.

INCREASE IN THE CLERICAL ESTABLISHMENT OF THE CENTRAL PUBLICATION BRANCH, CALCUTTA.

561. **Mr. Satyendra Chandra Mitra** : Will Government be pleased to place on the table a statement of additional men sanctioned temporarily for the Calcutta offices for increased work since 1926-27 ? Is it a fact that the Central Publication Branch, working as a commercial concern from April last, has additional work thrown on it, but the question of additional staff has not been settled as yet ? How many times did the Controller inspect the office to find out the actual requirements and for how many days, and why has no relief, even temporary, been given as yet ?

The Honourable Mr. A. C. McWatters : The Honourable Member presumably desires to have information regarding the additional clerical staff temporarily sanctioned from time to time in the Branches of the

Stationery and Printing Department located at Calcutta. The details are as given below :

Government of India Press, Calcutta ..	*Nil.*
Central Publication Branch	6
Central Stationery Office	53
Central Forms Store	15

During the period from March 1927 to August 1928 the Controller of Printing inspected the Central Publication Branch thrice and spent 19 days on the inspection. As a result of the last inspection, the Controller has submitted a proposal for an increase in the clerical establishment of the Central Publication Branch ; this is under the consideration of Government.

MEMORIAL OF THE CLERICAL STAFF OF THE STATIONERY AND PRINTING DEPARTMENT FOR INCREASED PAY.

562. **Mr. Satyendra Chandra Mitra** : (*a*) Will Government be pleased to state what action has been taken on the memorial of the clerical staff of the Calcutta offices under the Stationery and Printing Department submitted in February, 1927, for increased pay ? Is it a fact that the Government of Bengal has lately accepted a grade of Rs. 50—175—300 for the clerical grade, almost similar to that adopted by the Postal Department ?

(*b*) Do Government propose to enquire if the Controller is issuing circulars not to send memorials or advance copies to Government ?

(*c*) Will Government be pleased to lay a statement on the table showing the number of petitions and memorials withheld by the present Controller, and how many he has yet under consideration with the dates of their receipt in his office ?

The Honourable Mr. A. C. McWatters : (*a*) The memorial is under the consideration of the Government of India. They have no information with regard to the scale of pay accepted by the Government of Bengal for their clerical staff.

(*b*) In accordance with the instructions of Government the Controller has merely drawn attention to the irregular practice of submitting memorials direct to Government and not through the proper channel.

(*c*) The information is being collected and will be supplied to the Honourable Member in due course.

DISMISSAL AND SUBSEQUENT RE-INSTATEMENT OF TWO ASSISTANTS OF THE STATIONERY OFFICE.

563. **Mr. Satyendra Chandra Mitra** : (*a*) Are Government prepared to enquire if Mr. Coombs dismissed in writing two Assistants of the Stationery Office—one an M.Sc. and another a B.A.—without obtaining their explanation and drawing up charges against them and reinstated them after a time ?

(*b*) Will Government please state if the men were allowed to count the period they were off duty towards leave and pension and granted pay ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). Enquiries are being made and the result will be communicated to the Honourable Member in due course.

NUMBER OF CLERKS DISMISSED BY MR. GOLDER, WHILE MANAGER OF THE CENTRAL PUBLICATION BRANCH.

564. **Mr. Satyendra Chandra Mitra** : How many clerks, did Mr. Golder dismiss, and how many died of pthisis due to overwork, during the time Mr. Golder was Manager, Central Publication Branch ?

The Honourable Mr. A. C. McWatters : Government have received no intimation of any clerk having died of pthisis on account of overwork. They are ascertaining the number of clerks dismissed by Mr. Golder and will furnish the number to the Honourable Member.

MEMORIAL OF NAGENDRA NATH GHOSH.

565. **Mr. Satyendra Chandra Mitra** : Will Government be pleased to state the result of the memorial to Government of one Nagendra Nath Ghosh, a clerk of over 10 years' service, dismissed for alleged loss of an unofficial file, which was found later on mixed up with other papers, in the Central Publication Branch ?

The Honourable Mr. A. C. McWatters : The memorial was submitted more than 6 months after the orders passed by the Controller and was accordingly withheld by the latter under the memorial rules.

PAY OF MR. J. H. GOLDER.

566. **Mr. Satyendra Chandra Mitra** : Will Government be pleased to state when and on what pay Mr. Golder was appointed to Government service ? What is he drawing now ?

The Honourable Mr. A. C. McWatters : Mr. J. H. Golder was appointed to Government service in March, 1923, on a pay of Rs. 550 per mensem. He is at present drawing Rs. 900 per mensem.

DISCHARGE OF BABU BATTA KRISHNA DUTTA, A CLERK IN THE CENTRAL FORMS STORE.

567. **Mr. Satyendra Chandra Mitra** : Will Government be pleased to state how a clerk Babu Batta Krishna Dutta recruited in the Central Forms Store in 1925 has been discharged in August 1928 as unfit for Government service for having myopia ? Why was he not sent for medical examination on recruitment, as is usual and as ordered by Mr. Ascoli as Controller ?

The Honourable Mr. A. C. McWatters : An enquiry is being made and the result will be communicated to the Honourable Member in due course.

TEMPORARY CLERKS IN THE CENTRAL PRINTING AND STATIONERY OFFICE, CALCUTTA.

568. **Mr. Satyendra Chandra Mitra** : (*a*) Will Government be pleased to state if there are some clerks recruited in 1925, who, having approved service, are yet on the temporary grade, while others coming after them have been confirmed in permanent service ? How does the Headquarters office of the Controller deal with establishment cases when all the Calcutta offices have a common roster with no published gradation list ?

(*b*) Do Government propose to enquire if certain officers recruited as expert accounts clerks have been posted as Head Assistants in administrative posts ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). An enquiry is being made and the result will be communicated to the Honourable Member.

STATEMENT BY MR. PRESIDENT *RE* RECENT ATMOSPHERE OF SUSPICION AND DISTRUST IN THE HOUSE.

Mr. President : The House will at this stage permit me to make the statement which I promised when we met last. I frankly confess that I was not prepared for the speeches that I heard on Saturday last from the Leaders of Parties and they came upon me as an agreeable surprise. I was indeed so touched by those speeches that for the moment I found myself unable to find words to express my thanks. (Applause.) For this human weakness in your President I make a humble apology to the House. When I was hearing those speeches I was reminded of the scene on the 20th January 1927 on the occasion of my unanimous re-election to this Chair. I am sincerely grateful to the House, to every section and to every Member thereof, for the generosity and large-heartedness in overloking my many shortcomings and for once again expressing their unanimous confidence in me. I am conscious of my weakness and my failings, and I desire to assure you that I shall make every endeavour to justify to some extent the confidence you have been pleased to repose in me. I know that it is very difficult for the President to appear impartial on all occasions and to all sections of the House. I have often roused feelings of resentment of soreness among Members whose conduct I sometimes felt it my duty strongly to disapprove of and who were placed at times at a disadvantage in carrying out their Party engagements on account of my rulings. But it is a matter of sincere gratification to me to find that the feeling has been but brief and transient, and when those speeches were being delivered on Saturday last I was wondering within myself whether I had really impressed the House generally with a belief in the impartiality of my rulings and with a conviction that my one concern was to discharge my duties as guardian of the House and that I had not intentionally lent myself to be an instrument in the hands of official or non-official Leaders in this House. I now come to the statement of the Honourable the Home Member. His previous statement adopting on behalf of the Government an attitude of complete detachment in regard to the attacks in the Press and elsewhere on the President of the Assembly had come as a painful surprise from one in his responsible position and was the subject of strong comment by several Members. But the readiness with which on Saturday last he hastened to put matters right must raise the Honourable Member in the estimation of every one who heard his statement. (Applause.) I congratulate him and also the Government on whose behalf that statement was made. (Applause.)

May I be allowed at this stage to say a word in reference to the attitude of certain official Members which has recently been the subject-matter of a good deal of comment ? In the heat of party feeling when men's passions are aroused, I can understand words escaping Honourable gentlemen, or their doing something which, in their cooler moments, they themselves would regret. I take it that the words of the Honourable Members referred to in the statement of the Leader of the House were not premeditated or deliberate. I desire to assure Honourable Members that it has been, and will be, my constant endeavour in this Chair to allay feelings of party bitterness as much as I can and to prevent undue excitement and passion in this House. (Applause.) I shall say no more on this occasion, because it is my earnest wish to eradicate all personal feeling that has unfortunately found its way recently into this Chamber. I will only add that I shall always be content to leave my conduct in the Chair to the judgment of this House and of every fair, impartial and honourable man outside it. With that end in view, I accept without any reservation the unqualified expression of regret made by the Leader of the House on behalf of himself and the officials concerned in the same generous spirit in which it has been made (Applause), and I appeal to every Member of this House to forget the incidents which have been responsible for the atmosphere of distrust and suspicion calculated to lower the dignity and prestige of this House, which must be the primary concern of every Honourable Member. In these circumstances and in accordance with the general wish of the House expressed in no uncertain terms on Saturday last, I propose to say nothing more.

This statement thus disposes of that part of the case in which I promised to make an enquiry and give my conclusions, leaving the other part regarding the conduct of the two press correspondents untouched.

I once again thank the Honourable Members for their confidence in me. (Applause.)

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL.

The Honourable Mr. J. Crerar (Home Member) : Mr. President, I move.....

Mr. Vidya Sagar Pandya (Madras : Indian Commerce) : On a point of order, Sir. I rise to a point of order and to lodge a protest against the procedure of the House in certain matters recently. I object to the motion that the Honourable the Home Member is going to make. The Leader of the House is going to move that the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, as reported by the Select Committee, be taken into consideration. I beg to submit that the motion cannot be taken up under Standing Order 44, if any Member of the Assembly objects to its being so taken up, if a copy of the Report has not been made available to Members for seven days, and such objection shall prevail, unless, I note, the President in exercise of his powers suspends the Standing Order and allows the Report to be taken into consideration. As such I would raise the point that the House can take up the Bill at the earliest on the 28th instant only ; and if you will kindly permit me, Sir, I have to protest against certain action of a certain part of the House in depriving Members who represent special constituencies.....

Mr. President : Order, order. This is not the occasion to raise that question. The Honourable Member has taken objection to the Home Member moving this particular motion and he must confine himself to it.

The Honourable Mr. J. Crerar : Mr. President, I proposed to move this motion, because I was under the impression that, in view of the fact that the Report of the Select Committee was laid on the table on Thursday and that Honourable Members have since had ample opportunity of studying the document, which, though important is brief and concise, it would meet the general wish of the House if the debate should proceed to-day. I trust that my impression on that point was correct, and in view of it I would ask you, Sir, to suspend the Standing Order.

Mr. President : Which Standing Order ?

The Honourable Mr. J. Crerar : 44 (1) (*a*).

Mr. President : Order, order. I do not know if there is a large section of the House in support of the objection raised by the Honourable Mr. Vidya Sagar Pandya. I should like those who are in favour of his objection to rise in their seats. (Two or three Honourable Members rose in their places). I am afraid I must suspend the Standing Orders and allow the Honourable Member to make the motion. (Applause).

Mr. T. Prakasam (East Godavari and West Godavari *cum* Kistna : Non-Muhammadan Rural) : May I say a word with regard to the ruling that you have just now given ? If the Standing Order says that on the objection of any one Member the point of order should prevail, I must point out to you, Sir, that your ruling is not correct.

Mr. President : The Standing Order also provides that the Chair has the discretion to suspend or not to suspend the Standing Orders. In view of the fact that only two or three Members are in support of the objection raised, I exercise my discretion in favour of the majority.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of information, Sir, if Members simply desire that the Standing Order should be suspended without giving any adequate reasons, can it be suspended ?

Mr. President : Is not that questioning the ruling of the Chair ?

Mr. Amar Nath Dutt : No, Sir. (Laughter). I desire to have the information for our future guidance.

Mr. President : Order, order.

The Honourable Mr. J. Crerar : Mr. President, I move that the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, as reported by the Select Committee, be taken into consideration.

When I moved the first motion in respect of this measure, I endeavoured to the best of my ability to lay before the House the circumstances, events and the developments which had resulted, as the Government of India came to the conclusion, in a state of affairs which required their prompt attention and the attention of the Legislature. I indicated the nature of the measures which the Government of India considered necessary to deal with one aspect of the problem, the principle of which is embodied in the Bill. By their vote on the 15th instant, the House has accepted the justification for, and approved of the principle of, the Bill. It is therefore not my present purpose to retraverse ground which has already been so exhaustively explored, nor shall I set out to reaffirm propositions which the House has already generally endorsed. My present purpose will be to explain the changes which have taken place in the Bill on its return from the Select Committee. It will be manifest to the House that the Select Committee have subjected the Bill to a very strict and severe scrutiny. Though the essential principle of the Bill, as approved by the House, remains, some very important provisions for safeguarding its operation have been inserted by the Select Committee. I submit that these go very far towards meeting such of the objections originally advanced against the Bill as were not fundamentally inconsistent with its essential purpose, and which would not tend either to weaken seriously or to destroy its efficacy with regard to the object in view. The operation of the Bill, in consequence, undoubtedly becomes more restricted and complicated, but I am prepared to acquiesce in these consequences if the House will recognise the great importance of the changes made, and will accept the Bill in its revised form.

Honourable Members will see that the more important of the alterations made are as follows. The category of persons, in the first instance, who are exempted entirely from the operations of the Bill, has been very materially extended. In the Bill as originally introduced in the House, the intention was to exclude Indian British subjects and subjects of any State in India. That was inherent in the very principle of the Bill, because it was apparent that it would be an impossible proposition that in a measure of this kind we should endeavour to persuade this Legislature to adopt the principle that the Executive Government should be empowered to expel Indians from India. That was obviously an impossible proposition, and the Bill as originally drawn was directed to make that perfectly clear. But in the course of discussion, both in this House and in the Select Committee, it appeared desirable to extend the exemption in certain material directions. The case which first came to notice was based on the suggestion of an Honourable Member who spoke on behalf of the European Group. It was represented that European British subjects, who have been for a considerable time regularly resident in India, ought not in any circumstances to come within the purview of this Bill, and that objection found an echo in the speech of some Honourable Members opposite. These suggestions received their due weight in the consideration of the Bill by the Select Committee, who have gone even further than the particular objections I have referred to would extend. For any British subject who has acquired a domicile or a definite stake in the country, or who has been for a period of five years continuously resident in India, Subject to certain explanations, the Bill now provides total exclusion the new category would include, for example, a non-Indian Asiatic subject of His Majesty who had so acquired a domicile or stake or interest in India of a durable character. The House will admit that that is a very important modification of the Bill and meets the objections which have been taken in several parts of the House.

Then we come to clause 2 of the Bill which prescribes the nature of the activities against which the Bill is directed. These, Honourable Members will observe, have been very considerably restricted. In the original Bill in sub-clause (*a*) of clause 2 there appear the words " or the promotion of enmity or hatred between different classes of His Majesty's subjects." The Select Committee in their Report made the following observations on that clause :

" In clause (*a*) of the definition of a person to whom the Act applies, we propose the omission of the words ' or the promotion of enmity or hatred between different

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asses of His Majesty's subjects' and the insertion of the word 'unlawful' before the ords 'destruction of property.' As regards the first of these amendments, although e realise that it is an essential feature of Communist propaganda to set class against ass, we consider that a person preaching that doctrine would almost inevitably bring mself under some other provision of this clause whilst the retention of the words might sult in action being taken against persons other than those against whom the Bill is imarily directed."

I am myself of opinion that this passage in the clause might be xtremely valuable in circumstances which might very probably arise, but was prepared to defer to the views expressed by the members of the elect Committee, and I therefore agreed to the excision of that phrase. Similarly, in clause (*b*), the Select Committee criticise the words "the authority of law" as being words of a somewhat vague character and possibly difficult, in certain circumstances, of sufficiently precise interpretation. At any rate the members of the Select Committee considered that the essential purpose of the Bill could be retained and that no serious detriment would be sustained by the omission of those words. In that view, also, I was prepared to concur. Lastly, so far as this clause is concerned, the Select Committee consider that the words "or is associated with", after the words "is a member of" might possibly be difficult to interpret, and might give a wider extension to the clause than was consistent with its definite and precise application. On that point also, after some careful examination—not, I admit, without some misgivings—I was prepared to agree, and the Bill now stands with those words omitted.

However, the most important change in the Bill made by the Select Committee was that which is embodied in clause 7 which provides for an appeal to a Bench of three Judges against the removal order. I think the House will generally agree that that is a very important new feature of the Bill, and that in agreeing to it Government shows a very sincere desire to meet the objections to the Bill which were based on the ground that it gave too untrammelled a discretion to the Executive Government. Any person against whom a removal order has been made is to be given an opportunity to show cause why the order should not be made. He will be allowed to show cause before a Bench of three Judges, and what is of very great importance is this, that in the event of the three Judges reporting against the removal, the Executive Government will not be permitted to make that order. That, I venture to say, is a very important and a very substantial safeguard. The same clause provides that the Judges dealing with this matter shall be required to keep confidential the information communicated to them by the Executive Government. Now, Sir, I must frankly express to the House that I regard that provision as absolutely necessary. It must be evident that in many such cases, the information on which the Government proceed must be drawn from very secret sources which could not be divulged without very grave detriment to the public interest. That really is in the nature of the case, and I must emphasise once more that the action contemplated by the Bill is essentially an executive action. Though we have gone as far as we can in providing safeguards to ensure that the power conferred upon the Government by the Bill as it now stands shall not be improperly or arbitrarily exercised, nevertheless the essential facts of the situation remain. I make no attempt to disguise that position. It is in the very nature of the powers which the Bill confers on the Executive Government that the public interest must in that respect be protected. It has been suggested that the tribunal before whom the person affected should be allowed to appear should

onsist of Judges of the High Courts. Let me explain quite candidly hy I consider such an expedient to be undesirable. The High Courts re the highest judicial tribunals in the land. I think that Honourable lembers will admit that it is of the utmost importance that their comlete impartiality, their complete detachment, in all matters which may ave a political complexion should be rigorously and sedulously preerved. (Hear, hear.)

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : What about other Judges ?

The Honourable Mr. J. Crerar : The High Courts have a very special osition. We have therefore gone as far as we possibly can in providing his safeguard that any person against whom action is proposed to be taken nder the Bill shall have ample opportunity either in person or by pleader o show cause against the order being made against him.

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran : Non-Muhamadan) : Without knowing the allegations against him ?

The Honourable Mr. J. Crerar : Further provision has been made to nsure that any person who claims to be an excepted person shall be permitted to appear on that point before the High Court, and, in the event f the High Court finding his claim to be a true one, no further action can f course be taken against him.

Lastly, provision has been made for the limitation of the Bill to a term f five years. I am not myself satisfied that such a provision is desirable r expedient. I cannot contemplate that the dangers against which the ill is intended to safeguard the country are likely to be at an end in the eriod of five years. Nevertheless the period of five years is a substantial eriod, and I hope that either we shall have made progress in the efforts hich Government propose to take and which we invite the House to assist iem in taking against the dangers which I have indicated, either that will e so, or if it is not so, then I trust that the Legislature will be prepared to evive in this or in some similar form the powers which this Bill proposes to nfer. Those, Sir, are the principal features of the changes made by the elect Committee in the Bill. I venture to repeat once more that Honourble Members who are prepared to regard the Bill as it has emerged in a rictly impartial spirit, having due regard to the grounds which induced e majority of this House to send the Bill to the Select Committee, will gree that the measure is now one which the House ought to pass.

In conclusion, Sir, I wish to say that, when I last addressed this House this measure, I asked Honourable Members to recognise that though e primary responsibility rests directly and immediately on Government, ey are entitled to require, in a position like the present, the active support id assistance of every element and interest in the country, not only from e point of view of self-interest, but also from the point of view of public ity. The obligations and the responsibilities of a Legislature far transnd those of private citizens. I submit that Government are entitled to ok to this House in this matter not only for legislative sanction, but also r moral support. The majority of the House has already recorded its nclusion that there is a good justification for this Bill and that its princie should be accepted. More than that, the speeches of more than one onourable Member opposite indicated, and indeed expressed, an opinion favour of its justification, though they demurred on grounds which I ould urge are of subsidiary importance in relation to this vital and central ct. With the assistance, and indeed I may say on the insistence of the

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have been investing lots of money over his crimi[nal] law. At every cycl[e] of three or four years he has been attracting m[oney] from every lega[l] practitioner, and we are quoting his authority, and [this] is the authorita[tive] position he holds to-day in the framing of this B[ill].

Now, Sir, I am convinced without going into furth[er] details of thi[s] amended Bill, that it is not a Bill upon which the Honou[rable] Member can congratulate himself or invite Members of this [House] to co-operate with him in making it a Statute.

Then, Sir, on general principles. What is the justificatio[n] for measure of this kind at a time when the country is peaceful ? I[t] is no[t] in a state of rebellion : it is not in a state of war. The truth [is] unfortunately this Government have been running amok. This Go[vern]ment have always had a nightmare sitting over them, that the Gov[ern]ment can be overthrown at any time. If a single action of a single m[an] with a single stick can overthrow this Government, may God help us [in] getting rid of this Government at once. Is it to be such a timid Gover[n]ment as this ? I, Sir, will at once say that a tyrannical but courageo[us] Government is much better than a timid and benevolent Government. I say, Sir, that this is not a measure which they should introduce at a tim[e] when the country is peaceful and quiet, when the ordinary courts ar[e] open, and when the ordinary procedure can be adopted. Now, Sir, in this connection with your permission I should like to read to the House a short passage from the judgment in the famous *ex-parte*. Milligan case in the United States. Sir, I quote only a short passage from the judgment of Justice Davis :

"No graver question was ever considered by this Court nor one which more nearly concerns the rights of the whole people; for it is the birthright of every American citizen when charged with crime to be tried and punished according to law.

In all criminal prosecutions the accused shall enjoy the right to a speedy and public trial by an impartial jury of the State and district wherein the crime shall have been committed and to be informed of the nature and cause of the accusation ; to be confronted with the witnesses against him ; to have compulsory process for obtaining witnesses in his favour and to have the assistance of counsel for his defence.

No doctrine, involving more pernicious consequences was ever invented by the wit of man than that any of its provisions can be suspended during any of the great exigencies of Government. Such a doctrine leads directly to anarchy or despotism, but the theory of necessity on which it is based is false ; for the government, within the constitution, has all the powers granted to it which are necessary to preserve its existence.

If, in foreign invasion or civil war, the courts are actually closed, and it is impossible to administer criminal justice according to law, then, on the theatre of active military operations, where war really prevails, there is a necessity to furnish a substitute for the civil authority thus overthrown, to preserve the safety of the Army and the society....Martial rule can never exist where the courts are open and in the proper and unobstructed exercise of their jurisdiction. It is also confined to the locality of the actual war."

Now, I ask the Government Benches to say in what state of rebellion are we ? How many Communists have come across to this country in order to spread their propaganda ? For my part, Sir, I have never so far come across any Communist, nor did I really understand the Communist propaganda so well as when it was explained to us by the Honourable the Home Member the other day. Only then I came to know what were the items of the Communist propaganda. Now, Sir, I ask, is it really the case that a large number of Communists have come to this country

and to deport whom this Bill is brought in with all its emergency, with all its plea of urgency ? I must ask the Honourable the Home Member that question now. With a view to ascertain the *bonâ fides* of the Government in this matter, I sent a few short notice questions to the Honourable the Home Member seven days ago. I never asked him to disclose any details. I never asked him to disclose any confidential matter. I never even wanted to know the name or names of the Communists who in their view deserve to be deported. Sir, my questions were :

"(*a*) Will the Government be pleased to state how many Bolshevists or Communists (non-Indian) are to the best of their knowledge carrying on their propaganda in this country ?

(*b*) Will the Government be pleased to state what control they have been exercising over such activities pending the passage of the Public Safety Bill into a Statute ?

(*c*) Will the Government be pleased to state what violent speeches or writings have been discovered in which violence has been advocated by the non-Indian Communists for the overthrow of the Government ?

(*d*) Will the Government be pleased to state when they discovered that one of the main objects of the Communists is to destroy ancient religions and culture ?

(*e*) Will the Government be pleased to state the number of persons they have in view for deportation the moment the Public Safety Bill is passed into law ?"

Sir, these are questions which ought to be answered at a moment's notice by the Honourable the Home Member who is for the time thinking of these Communists, who in fact must have brought these Communists in his own Chamber if by that their activities could be stopped, and yet, Sir, he expresses his inability to answer these questions at short notice, and I got this reply from his office :

"I am directed to forward the enclosed copy of your question and to state that the Honourable the Home Member is not prepared to accept short notice of the question.

I am to add, however, that the question is in time for the meeting of the 27th and will be set down for reply on that date if there be any meeting on that date."

Now, Sir, I ask him once again,—at any rate, after I put him these questions he must have come prepared to answer them to-day. I ask him now, Sir, how many Communists are there in this country or is it a fact that there is not one in their contemplation at present ? Now, the difficulty of answering this question, I know, will lead him to another difficulty. Supposing he admits that there are some Communists—one, two, three or four—my next question is, what steps have Government taken in order to place their propaganda under control, under arrest, until this Bill is passed into a Statute. The other day the Honourable Sir Bhupendra Nath Mitra took up an analogy which he did not use properly. I use it now, Sir. Supposing this House is on fire, and supposing there are 300 tubs of water here and the Honourable the Home Member sends for a fire engine from Chota Simla. Will he sit quiet until the fire engine arrives or will he go on suppressing the fire by the tubs of water available here ? If the latter be the course which he would adopt, I ask you, what steps have you taken to arrest, to control the propaganda of these Communists until this Bill becomes a Statute ? If he does not answer this question, Sir, I can positively say that there is not a single Communist to be deported immediately. In fact, the title of the Bill is very modest. The title Anti-Bolshevist Bill is given more by newspaper posters for advertising purposes rather than by Government. Government evidently have some other persons in view and not Communists or Bolshevists in bringing forward this measure. Some

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Honourable Members on that side of the House observed the other day—"Oh, what does it matter ; if there are no Communists, it is all well an good ; but if there are, then this Bill will be useful. Why not allow thi Bill to go into the Statute-book ? ". I ask, Sir, are we here assemble as legislators to pass any law for the time being whether or not there i any necessity for it ? Are we not, as responsible men, to see the emer gency of the occasion before making laws ? Supposing the Governmen brings forward a Bill to-morrow saying whoever attempts to overthrov this Government by removing its strongest barrier and attempts to leve the Himalayas to the ground shall be punished with imprisonment fo seven years. Now, are we to pass such a measure when we know tha it is an impossible task ? Though there is absolutely no meaning what ever in such a statement, are we to give our support to such a measure I ask, Sir, is there any apprehension of the Communists gaining groun in this country ? If there is any, if there are any Communists who ar carrying on their nefarious propaganda, then I am prepared to vote witl the Honourable the Home Member. He does not answer my questions he cannot give the number of the Communists in this country, not t mention the names or details of those persons. Therefore, Sir, it is quit clear that the Government have not convinced this House of the necessity of a measure like this being passed in such undue haste, nor have th Government shown any urgency for the measure. The Government hav not also accepted the motion for circulation of the Bill for eliciting publi opinion thereon. It was asked what purpose would it serve by sending up the Bill for circulation ? Certainly it will serve a very useful purpose If the public are apprised of the contents of this Bill, the first thing they will state is that they are surprised that there should be a Bill like this because nobody has so far come across a Communist.

Now, Sir, ever since this bogey of Communism or Bolshevism has been set afloat, every possible strike, every violence in the strike, is attributed to it. So far as I am personally aware,—I have been watching the railway strikes on the South Indian Railway and I have myself condemned the violent actions taken by the railway employees, and I have even con demned the action of some of the leaders in not regulating the strik into the path of non-violence—I have never even heard whispers that thes strikes had anything to do with Communism or Bolshevism. All thes strikes are hunger strikes. They are not due to Communist or Swarajis influences ; but they are all hunger strikes. Therefore, I have no hesi tation in saying that this Bill is absolutely unnecessary. And what is it that the Government do ? It is a strange coincidence. Every time a repressive measure is brought here, it is preceded by a letter from Mr. M. N. Roy. He seems to be a reservoir for them to draw upon every time they wish to bring a measure of this kind. When the Bengal Ordi nance was passed the same story was afloat ; there was a letter from Mr. M. N. Roy. This Bill is brought here, and there is the same story. Mr. M. N. Roy, who wanted to conceal the authorship, typed the letter and in order that there might be a possibility of finding out the author made one or two interlineations here and there, and probably also he sent his admitted signatures in order that the letter might be sent to a hand writing expert ! What about the mentality of a man who wanted to conceal his authorship, putting in one or two interlineations ; he might as well have retyped the whole thing which is not a matter of difficulty.

Sir, I do not want to go into all these details. As I have said, on a former occasion, at the time of the Bengal Ordinance the same story was set afloat and my Honourable friend, Colonel Crawford, made the best of that story on that occasion. Then my reply was :

> "Then he says that there is Bolshevik influence here and mentioned the name of Manabendra Nath Roy. About this I only wish to point out that in the memorial submitted by two State prisoners, a portion of which was already read out to the House by my Honourable friend, Pandit Motilal Nehru, it is stated thus :
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> 'We are not yet certain if this Manabendra Nath Roy is not the man from the moon and we have even less knowledge about his Indian agents. We have always differed from the views appearing in the press of this so-called Bolshevik. As for letters and papers supposed to be coming from this man, if there is really a man of that description and if the whole thing is not the creation of some interested party as in the case of more serious things related hereafter in course of this statement, then we can say so much that this man has not spared a single address he has come across, not even the English Premier's excepted and no one can be responsible for coming into contact with an accidental addressee of such a correspondent'."

Now, Sir, it is nothing more than this. The Government Benches are seized with a mania that the overthrow of Government is always contemplated in every nook and corner of this country. I wish to tell my Honourable friend that this soil is not so fertile for Communist movements as he imagines. Eight years ago we heard of this Communist movement. During these years we have not heard of its growth—not a root, not the trunk, not a branch is traced. Once again we have got the same seed attempted to be sown here by Mr. M. N. Roy : I submit that Government are unhappily running amok. How many repressive measures have they been thinking of forging from day to day ? The Bengal Ordinance, the Criminal Law Amendment Act, the Public Safety Bill, amendment of section 505 of the Indian Penal Code—day after day they are thinking of something or other to suppress the Press, suppress the people, and suppress everything so that they may feel happy. Sir, it is nothing more than this kind of mania that is always troubling them. There is section 491 of the Criminal Procedure Code, and section 491-A. also which extends to the High Courts some powers over territories outside their ordinary original jurisdiction. In this Bill we see only section 491 is contemplated, and it is said that that section does not apply to persons who are deported by an act of the Governor General. Now, Sir, it seems to me highly doubtful—but I do not go into that question at length—whether it is possible to deprive the High Courts of the privilege which they enjoy of issuing a writ of habeas corpus by any legislation of this kind. It is a similar doubt which on a previous occasion I raised, but my Honourable friend, Mr. Jinnah, then said, "Let them go to court, and test it. Why bother ourselves with jurisdiction at present ?" I leave it at the same stage once again, but I am surprised that a valuable right which the citizen must enjoy, a valuable power which every High Court must enjoy, is sought to be taken away on any reasonable ground save presumably that, I should say, of absolute distrust in their own High Courts. Sir, they are not prepared to refer the matter to their own High Courts to consider the matter and say whether a writ of habeas corpus should be issued or not : It is not complimentary to the Government that they should distrust their own Judges of the High Courts. I should have been glad, as I said, if instead of this Bench of three Sessions Judges the matter was entrusted to at least one permanent High Court Judge. That is what I said in my notice of amendment. Sir, persons depending upon

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Honourable Members on that side of the House observed the other day—"Oh, what does it matter ; if there are no Communists, it is all well and good ; but if there are, then this Bill will be useful. Why not allow this Bill to go into the Statute-book ?". I ask, Sir, are we here assembled as legislators to pass any law for the time being whether or not there is any necessity for it ? Are we not, as responsible men, to see the emergency of the occasion before making laws ? Supposing the Government brings forward a Bill to-morrow saying whoever attempts to overthrow this Government by removing its strongest barrier and attempts to level the Himalayas to the ground shall be punished with imprisonment for seven years. Now, are we to pass such a measure when we know that it is an impossible task ? Though there is absolutely no meaning whatever in such a statement, are we to give our support to such a measure ? I ask, Sir, is there any apprehension of the Communists gaining ground in this country ? If there is any, if there are any Communists who are carrying on their nefarious propaganda, then I am prepared to vote with the Honourable the Home Member. He does not answer my questions ; he cannot give the number of the Communists in this country, not to mention the names or details of those persons. Therefore, Sir, it is quite clear that the Government have not convinced this House of the necessity of a measure like this being passed in such undue haste, nor have the Government shown any urgency for the measure. The Government have not also accepted the motion for circulation of the Bill for eliciting public opinion thereon. It was asked what purpose would it serve by sending up the Bill for circulation ? Certainly it will serve a very useful purpose. If the public are apprised of the contents of this Bill, the first thing they will state is that they are surprised that there should be a Bill like this, because nobody has so far come across a Communist.

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"Then he says that there is Bolshevik influence here and mentioned the name of Manabendra Nath Roy. About this I only wish to point out that in the memorial submitted by two State prisoners, a portion of which was already read out to the House by my Honourable friend, Pandit Motilal Nehru, it is stated thus :

'We are not yet certain if this Manabendra Nath Roy is not the man from the moon and we have even less knowledge about his Indian agents. We have always differed from the views appearing in the press of this so-called Bolshevik. As for letters and papers supposed to be coming from this man, if there is really a man of that description and if the whole thing is not the creation of some interested party as in the case of more serious things related hereafter in course of this statement, then we can say so much that this man has not spared a single address he has come across, not even the English Premier's excepted and no one can be responsible for coming into contact with an accidental addressee of such a correspondent'."

Now, Sir, it is nothing more than this. The Government Benches are seized with a mania that the overthrow of Government is always contemplated in every nook and corner of this country. I wish to tell my Honourable friend that this soil is not so fertile for Communist movements as he imagines. Eight years ago we heard of this Communist movement. During these years we have not heard of its growth—not a root, not the trunk, not a branch is traced. Once again we have got the same seed attempted to be sown here by Mr. M. N. Roy : I submit that Government are unhappily running amok. How many repressive measures have they been thinking of forging from day to day ? The Bengal Ordinance, the Criminal Law Amendment Act, the Public Safety Bill, amendment of section 505 of the Indian Penal Code—day after day they are thinking of something or other to suppress the Press, suppress the people, and suppress everything so that they may feel happy. Sir, it is nothing more than this kind of mania that is always troubling them. There is section 491 of the Criminal Procedure Code, and section 491-A. also which extends to the High Courts some powers over territories outside their ordinary original jurisdiction. In this Bill we see only section 491 is contemplated, and it is said that that section does not apply to persons who are deported by an act of the Governor General. Now, Sir, it seems to me highly doubtful—but I do not go into that question at length—whether it is possible to deprive the High Courts of the privilege which they enjoy of issuing a writ of habeas corpus by any legislation of this kind. It is a similar doubt which on a previous occasion I raised, but my Honourable friend, Mr. Jinnah, then said, "Let them go to court, and test it. Why bother ourselves with jurisdiction at present ?" I leave it at the same stage once again, but I am surprised that a valuable right which the citizen must enjoy, a valuable power which every High Court must enjoy, is sought to be taken away on any reasonable ground save presumably that, I should say, of absolute distrust in their own High Courts. Sir, they are not prepared to refer the matter to their own High Courts to consider the matter and say whether a writ of habeas corpus should be issued or not : It is not complimentary to the Government that they should distrust their own Judges of the High Courts. I should have been glad, as I said, if instead of this Bench of three Sessions Judges the matter was entrusted to at least one permanent High Court Judge. That is what I said in my notice of amendment. Sir, persons depending upon

[Mr. C. Duraiswamy Aiyangar.]

the Government for their promotion and favour, persons who think that their whole future is in the hands of this Government, are the least fitted to act as Judges ; and after all I am only stating the case a little over much because the Bill as amended by the Select Committee does not give the Sessions Judges the position of a Judge. It converts them into some thing like a Commission, to make a report to His Excellency the Governor General. There the matter ends. That is their position. Sir, I do feel that the Bill as amended by the Select Committee has made the Bill much worse than the Bill as it originally stood, and both the Bills deserve to be rejected on the floor of the House. Sir, I may inform you that I am not moving the amendment of which I gave notice for the circulation of this Bill for eliciting public opinion as advised by my Party leader.

Mr. T. Prakasam : Sir, I rise (applause) to oppose the motion. I see some slight change—(*Honourable Members* : "Speak up.") I am sorry, you complain that I have a weak voice ; you will soon find that I have a very big voice.—I see some change, Sir, in the Government represented by the Honourable the Home Member inasmuch as it has evinced some anxiety to meet the criticisms that were offered on the floor of this House to the original Bill ; and I also feel that the Honourable Mr. Crerar possibly would have been ready to agree to something more if my Honourable friend, Sir Hari Singh Gour, had been courageous enough to give his advice a little more frankly to the Select Committee. Sir, the only lawyer on the Select Committee was my friend, Sir Hari Singh Gour, an author of a big volume of criminal law that is intended to be read throughout the country and digested by all the lawyers, and the principles of which are to be applied in the courts of law ; but, Sir, I am sorry that this friend of mine has become the victim of the Government and been led to give advice like this with regard to the recommendations made in the Select Committee's Report. I am unable to understand, Sir, that Sir Hari Singh Gour could have made bold to advise the Select Committee to dispense with the publication of every piece of evidence that might be placed by the Government, and that such evidence should be kept secret even from the arrested person. It is unthinkable that one in his position should have thought of giving advice like that in a case of this nature. However he has done it.

Now, what is the position so far as this Bill is concerned ? Against whom is it directed ? Take sub-clause (*ii*) (*b*) of clause 2,—the definition section. It says :

"who seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organized government in British India or with any object the attainment of which is intended to conduce to that result;"

Note those words, "seeks to foment or utilise industrial or agrarian disputes or disputes of a like nature." What are the disputes which are contemplated by this definition ? The agricultural population in India is suffering the worst, at present, in the whole world. The agriculturists of India have a debt of over 1,000 crores of rupees according to the Government books, and the Government has got its own debt of over 1,000 crores of rupees on which the people of India have to pay interest. The agriculturists of India have to borrow money even for cultivation purposes at a high rate of interest, in some provinces at as high a rate as 75 per cent. The least rate is that which they are able to get from a few co-operative banks which are in existence. While the agricultural population of India

has been borrowing at such a heavy rate, this Government has been keeping its reserves in London, lending money at 3½ and 4½ per cent. to the people of England in the London market. Now, if the dispute relates to a matter like this between the Government and the agriculturists of India, and if there are foreigners—good foreigners—here who advocate the cause of the cultivators and carry on a propaganda here, are they to be deported ? The Soviet Government has recently published their loan manifesto. They have stated in that communiqué that the loan was being raised by that Government for the redemption of the agricultural population of their own country. You have floated a loan recently here, Sir. Have you stated for what purpose you are raising the loan ? Have you stated what you are going to do with that loan ? Have you stated how the agriculturists and labourers will be benefited by that loan ? Or how they have been benefited by all the loans you have been raising in this country from time to time ? Is the agitation on these lines of the Soviet Government or even of Communism a bad one.? My friend Mr. Duraiswamy Aiyangar has been talking in an apologetic tone, as if Communism were a crime on this earth. Communism has never advocated murder ; Communism has never advocated the overthrowing of other Governments with violence. (*An Honourable Member* : "Of course it has.") An interruption comes from there. I give you a challenge. I shall show you that there are murderers in every community ; I shall show you that there are murderers in every society ; there are murderers among lawyers ; there are murderers among the biggest merchants ; there are murderers among the best of people. And, Sir, would you say that because there are some murderers in all grades and classes of society that all classes of society should be dealt with in this particular manner ? Will those who have dared to challenge me point out any instance of a Communistic organization which has publicly advocated violence and murder and the overthrowing of other Governments with violence and murder ? Surely not.

Sir Hari Singh Gour (Central Provinces Hindi Divisions : Non-Muhammadan) : Point out one Communist who has not.

Mr. T. Prakasam . Sir Hari Singh Gour's knowledge, I am very sorry to see, is limited. Here, I say, I challenge you and say that I am a Communist. I tell you that. (Laughter and applause.)

Is there anything wrong in being a Communist ? Certainly not.

Sir Victor Sassoon (Bombay Millowners' Association : Indian Commerce) : A Red Communist ? Third International ?

Mr. T. Prakasam : Red Communist, redder than Sir Victor Sassoon. So, Sir, I say that so far as Bolshevism and Communism are concerned they are not crimes by themselves. You have seen, Sir, in China how certain Communists or certain people who are said to have been Bolsheviks committed murders and the Soviet Government was called upon to explain. The Soviet Government disowned them ; they said that they were not sent by them for committing such crimes. What is the good of ignoring facts. You have to take good where it is, and you have to reject the bad. If the Soviet Government or the Bolsheviks advocate murder, advocate violence, with a view to overthrow the organised government in India, I will be the first and everyone in this House and everyone outside also will be the first to attack them.

Sir Hari Singh Gour : That is just what they do.

Mr. T. Prakasam : I am sorry for the ignorance of my friend. (Laughter.) There is something wrong with him. (Laughter.) Let us take clause 2 (*b*). It is stated here " with the direct object of subverting organised government in British India." This is a very large claim that is made in 1928, September 24th by the Government of India that this is an organised government here. Is it an organised government, Sir ? I shall show that it is not by quoting to you an instance, a recent instance, in which they never wanted any Regulation to deport a person in this country. My friend Duraiswamy Aiyangar was referring to the Bengal Regulation, Madras Regulation and Bombay Regulation and so on. There are at least Regulations which they pretended to apply in those cases ; but I shall show you a case in which no Regulation was needed to deport and it was not in the case of an ordinary man in the street. They laid their hand upon the Maharaja of Nabha and under no Regulation. (*An Honourable Member*: " Nabha ? ") I know the prejudice that is in the minds of several people when the word " Nabha " is mentioned. I take it that he is one of the worst criminals. Is he not entitled to the protection of law ? Is he not entitled to the ordinary relief which ordinary men are entitled to ? I take it that the Maharaja of Nabha is a murderer of the worst kind.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Who says that ?

Mr. T. Prakasam : The Maharaja of Nabha has been deported under no Regulation. The question could not be raised here in this House. There was your ruling with regard to the matter on a point raised by the Government. I had had the audacity to go straight to the Maharaja of Nabha who was confined at Kodaikanal and had an interview with him. I asked him for the order under which he was taken away. There was no Regulation, no rule, no section, under which he was taken and could have been taken. But Regulation III of 1818, which could never apply to him, was quoted in the order as the one under which he was arrested. From there I came over here and a question was raised with reference to the same matter and you were good enough to ask Sir Denys Bray whether it was true that he was deported under Regulation III of 1818 and he replied " Yes." Does the Regulation of 1818 apply to the Maharaja of Nabha ? Admittedly it cannot ; it can never be applied to the Maharaja of Nabha. Yet he was taken away. Where is the organised government in this land ? How many people have been taken away without trial and how many have been imprisoned ? Here is one of those friends of mine who has just come after being detained for three years, Mr. Satyendra Chandra Mitra, the Whip of our Party. Where is any honest Government in this land ? Who is to hear and who is to decide justice ? There is no honest organised government in the land. As regards the agrarian disputes, I am telling you, Sir, and every Member in this House that the freedom of this country can be secured only through agriculturists and labourers. The independence of India that is advocated by Mr. Srinivasa Iyengar, the Deputy Leader of our Party, can only be secured through the help of the agricultural population and the labouring population of India. Now the aim of this Government has been somehow or other to do everything that lies in their power to prevent the growth of nationalism in the labour and agricultural movements. I can understand the real anxiety of this Government to give protection to India. This Government cannot always protect India with machine guns and aeroplanes alone. They will have to protect and govern the people of this country with their consent. By attempting to

prevent the spreading of nationalism and ideas and ideals through such legislation, the Government is only working against itself.

Now, Sir, coming to the new clauses 7 and 8, introduced in the Bill by the Select Committee, the Honourable the Home Member was telling us that the High Court also had been brought into this Bill with a view to give relief to the accused. The High Court is introduced in clause 8 and that only for the purpose of setting aside the order on the ground that the aggrieved person is an excepted person and not on other grounds. The first definition in clause 2 is about excepted persons, and in sub-clause (*2*) the definition is about the person to whom the Bill applies. All those clauses (*a*), (*b*) and (*c*) which define the particular offence cannot be brought before the High Courts, and Sir Hari Singh Gour satisfied himself that that was a great relief given to the deported persons. Omit clause 7, if you are a consistent lawyer, and if you claim to be an authority in law by writing books. Remove clause 7 and alter clause 8 in such a way that the High Court is invested with the power to go into the whole matter and deal with the man, judicially.

Sir Hari Singh Gour : Make an amendment. Why do you criticise ?

Mr. T. Prakasam : Amendments, there are ; I hope you will have the good sense to agree to them when they come up. Appointing a Bench of three Judges ! Who are they ? Sessions Judges. And how are they appointed ? They are appointed by the Governor General in Council for this particular purpose. Not in their ordinary course of business while they are sitting as Sessions Judges to hear cases that come before them, but they will be taken out of their ordinary duties and be specially appointed by the Governor General in Council with the direction that they should hear this case on certain information that will be placed before them by the Government and dispose of it without telling the accused what the information was. Why this sham, this farce ? It is more honourable and straightforward to say, " We do not care for the law, we do not care for reason or judgment. We shall simply deport the man because it pleases us." That is the more straightforward thing to do than this sham and this fraud.

Why are Sessions Judges appointed ? May I know from the Honourable the Home Member, who is in charge of the Bill, whether the High Court Judges have been approached in regard to this matter, whether they had been asked if they were willing to become tools in the hands of Government and hear cases like these in camera with evidence placed before them only on one side and without giving an opportunity to the man concerned to rebut that evidence. Have those Judges declined to give their support to a Bill like this ? I would like to know whether the Government made any attempt, before they omitted to include the names of judges of High Courts in clause 7, to ascertain the views of the various High Court Judges. Why have the Government taken a fancy for Sessions Judges, when there are the High Courts ? The High Court is the one court which has got power to release persons when they have been arrested without any notice and without any enquiry. Habeas corpus is granted by them. What is the special reason for your choosing Sessions Judges ? The Honourable the Home Member has given the

[Mr. T. Prakasam.]

reason that the High Court is the highest court in the land and that they, as impartial tribunals, should not be drawn into party politics. If that is really so, that is one reason which should have prompted the Government to fix only the High Court as the most competent court before which any trial of this nature could be had. The Select Committee in dealing with clause 2 says :

"As regards the first of these amendments, although we realise that it is an essential feature of Communist propaganda to set class against class, we consider that a person preaching that doctrine would almost inevitably bring himself under some other provision of this clause whilst the retention of the words might result in action being taken against persons other than those against whom the Bill is primarily directed."

Well, Sir, the words, "essential feature of Communist propaganda", are very wide. Anything done in India by anybody can be brought under that clause for which we have already got provision in the criminal law. Anything done by any community in regard to any special claim might be brought under the existing criminal law of the land. But all those sections have been dead letters until now when during the last seven or eight years actual communal riots have been going on in this country.

Sir, I wish to say only one thing before I sit down. This attempt on the part of the Government to prevent the spread of nationalism, to prevent the spread of real genuine Communist ideas, or even Bolshevik ideas or ideas of Soviet Government—the good and virtuous parts of those ideas—will be a disastrous failure. Ideas can never be prevented from germinating. That was once tried by the ancestors of the British when they were losing ground every inch, day after day in the great American War of Independence. For every inch of ground that they lost in that great war, they fortified themselves here in India by building up the so-called Indian Empire, by annexation or some other so-called conquests. But for that consolidation of your power by annexation or so-called conquest of India during that period, there would have been no Indian Empire, there would have been no British Empire in India or anywhere. It is only India which you can call to-day as the British Empire upon which the British people are prospering. What did the ancestors of the British people do in America when they were defeated there ? What did they do when the Americans chased them from post to post and from ground to ground. After losing ground everywhere and meeting with disastrous defeats in that great war, the British had had recourse to the checking of the spread of nationalism to the neighbouring colonies. At that time, there was a big belt of wild forests that separated the different colonies from America. By preventing the removal of these forests, and the colonisation of these lands even by their own countrymen and by allowing these forests to grow thicker the British thereby thought that they would be able to stem the tide of nationalism and prevent its spreading all over the Colonies. Did they succeed in their attempt ? They failed miserably. Probably that method of trying to check the spread of nationalism would have been all right at that time, but to-day after so much experience and after so much knowledge that we have gained, the Government cannot entertain the idea that with the Trade Disputes Bill on the one side and the Bolshevik Bill on the other, with arrests on one side and with deportations on the other, and with everything that they can possibly do they could kill the spirit of the people and then march the Simon Commission throughout the land and have their report.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

Mr. S. Srinivasa Iyengar (Madras City : Non-Muhammadan Urban) : Mr. President, the claim has been made by the Honourable the Home Member that very material improvements have been effected in Select Committee in the Bill that was originally introduced by the Government and therefore that the Bill is entitled to the support of the House.

Now, Sir, I propose in the first instance to examine the improvements which are alleged to have been made before dealing with any general aspect of the Bill. In the first place, the provision which is made in clause 8 of the Bill enabling the High Court on the application of an "excepted person" to set aside the order on the ground that such person is an excepted person is really not an improvement for the very simple reason that even if you strike out the whole of that, the High Court would have the jurisdiction to do it. The Bill applies only to certain classes of persons and persons to whom the Bill does not apply will, whether this Bill says so or not, have a right to apply to the High Court for a writ of *certiori*, on the ground that the Governor General, in a case beyond his jurisdiction, usurped it. It is therefore not a concession. There are numerous authorities in the courts that decide that without any such provision an aggrieved person can move High Courts where action which is *ultra vires* of legislation of similar descriptions is taken.

In the second place, I want to examine the provisions of clause 7. Sir, I do not know whether the Honourable the Home Member made a slip—probably he did—when he contended that the impartiality of Judges of the High Court should be beyond cavil in political matters and that therefore they were not made the Judges at this review which has been given to three Sessions Judges. I do not take advantage of what I consider really an argument of despair. I would not press that into my service. I think the real reason why the Sessions Judges have been preferred to the High Court Judges is that which was maintained by Mr. Duraiswamy Aiyangar. For, Sessions Judges in political matters must be quite as impartial as High Court Judges, if anything they should appear to be still more impartial. I do not lay too much stress upon whether they should be High Court Judges or Sessions Judges, though personally I should prefer that the High Court should have jurisdiction over this matter. But it must be a judicial enquiry. Now that is the whole gist of any amendment which should have been made in the Select Committee if the view was that the Bill should be improved in Select Committee. Is there a judicial enquiry ? The primary condition of a judicial enquiry is that charges should be framed and the accused person should have notice of those charges and should hear the evidence upon which those charges have been framed. Now it is perfectly obvious that clause 5 does neither. The clause says :

"Neither he (that is, the appellant) nor any pleader appearing on his behalf shall be entitled to be made acquainted with any details or particulars of the facts or circumstances laid before the Bench by the Governor General in Council."

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If it had stopped at that it would have been objectionable enough. But it might be said even though the appellant or his pleader may not have the right to ask the court to give him information, the court in its discretion might have had the power to give him that information. But that is also prohibited by the second part of the sub-clause which says :

"The Bench shall treat all such facts and circumstances as *absolutely* confidential in *every particular*."

Now, if it had been confined only to this, that the names of the persons who gave evidence or information to the Governor General in Council must be kept secret, which is the usual excuse put forward in legislation of this description, there would be something to be said in favour of that ; but that is not the only protection Government get ; the protection that they get is that no details or particulars of facts or circumstances shall be disclosed. It means excluding all evidence. At what meeting did the appellant speak ? At what place did he speak ? On what day did the person directly or indirectly advocate by force or violence the overthrow of the British Government or of all forms of government ? At what hour did he do so ? And who were the persons present ? What was the speech that he made ? Or, if it was not a speech, was it a mere conversation ? Nothing of the kind can be divulged to him. If this is going to be the case, I really cannot understand how the appellant or his pleader is to meet anything of the charges upon which the Governor General in the first instance came to the conclusion that he was an undesirable person whose removal was proper, and how in the second place, these three judicial advisers or assessors are to arrive at a similar conclusion. Therefore, I submit that this making every fact connected with this review by the three Judges absolutely confidential makes it a perfectly futile proceeding. Nor can it be contended that there is any very serious difficulty in disclosing that information. The Honourable Mr. Crerar said that the facts could not be divulged without grave detriment to the public interest. Again he made the remark that public interest must be protected. Now, Sir, the expression public interest is a very convenient phrase to use. Of course public interest simply means "my opinion"; it means nothing more than that ; everybody uses this expression without really understanding what it involves. Public interest does involve that there should be a judicial inquiry, if a person is charged with some serious offence of this description, if the man's reputation is to be taken away and his freedom of movement is to be restricted. And what public interest is it that requires that a man who is accused of committing an offence should not have the information ? Public interest, Sir, requires that it should also be made public to other persons, for it is only by example, and the example set by open inquiry, that other persons and members of the public can at all be deterred from doing similar acts, assuming of course that the things which are complained of are offences of a very serious description which the Government claims them to be. Therefore, Sir, whatever view is taken, one of the foundations of all justice, whether it is justice of the full dress order or justice of the summary expeditious order, whether it conforms to all forms of judicial procedure or whether it has only the minimum forms of judicial procedure, it is quite obvious that the person who is put upon an inquiry for a certain offence must be plainly told what are the offences which he has committed, what is the evidence upon which the prosecution or what is equivalent to the prosecution relies, what were the place, time and other circumstances.

He must be told or hear all that ; if he is not given all that, what the appellant or his pleader is going to do, except to throw themselves on the mercy of these three Judges, I cannot really understand. Is it contended that though these are made absolutely confidential, still the three Judges will hold a sort of conversation, a teatable talk with the appellant and his pleader and just give him a hint as to what the things alleged against him are and therefore that ought to be enough ? Really I cannot understand this attempt at eye-wash, which is really what this so called improvement is. The Select Committee and the Government say they are bound to give some sort of inquiry ; they are bound to have some revising authority after the order of the Governor General in Council. It is usually contended that the appellant should be heard. It is usually contended that a pleader should be allowed to represent him. All right, let him have some Judges and be represented by a pleader. But the gist of my complaint consists in whether he can represent his case, whether he will take the course which he can, because he will not have the information given to him upon which he alone can act. Therefore, Sir, I say this is really not an honest procedure ; it is not a fair procedure. I do not suppose my Honourable friend Sir Hari Singh Gour will really defend this and if he does defend this I should be surprised and I can only permit myself some condolences after that. It is quite obvious that nobody as a lawyer, nobody having any idea of the difficulties which an appellant or his pleader will have in explaining his case to a court will at all agree that if all the circumstances and facts are not disclosed to him he will still be in a position to defend himself somehow and show that there was no just and lawful cause upon which the Governor General in Council made the order. Therefore, Sir, I submit on that short ground that this Bill has to be opposed purely from the aspect of ordinary justice, and from the point of view of every constitutional and other propriety.

Then, Sir, it is said that the duration of this Bill has been fixed for a period of five years. Now, I do not know, when the objection is to the principle of the measure itself, when the objection is to the repressive machinery and the unusual machinery which is set up by this Bill, if you can get over that by saying "Oh, it is only for five years." No difference between a bad law and a good law can be maintained by saying that a bad law is for a period of five years and a good law is for a period of two years. A bad law is a bad law whether it is for two years or five years or fifty years. And the Honourable the Home Member did not leave it very much in doubt when he told us frankly—and I would ask the attention of the Honourable Members through you, Sir, to that admission which he made—that he does not expect that in five years the trouble will be over and that he would have to come to this Assembly or its successor, whichever it may be, for a renewal of powers of the same or of a similar nature in order to tackle this very grave problem with which the administration of this country is confronted at the present moment. Now, Sir, I submit that this is really an idle excuse which is given on the other side. Five years should not delude any of my non-official friends. Every one has got to make up his mind on this independently of any Government obligations. They should see that five years is no concession whatever. Whether it is five years or 50 years, it is a bad law and he should sternly set his face against it. I really have no sympathy with amendments of the description which say it should be reduced to two or three years and should not be for five years. Nor do I see

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that very material changes have been made in the principal clauses of the Bill. Clause 2 of the Bill keeps the old vague and hazy language in defining the action, which is sought to be remedied by recourse to this new procedure for which legislative sanction is asked. Now, Sir, you will find it says that the person to whom this Act applies,

"means any person who directly or indirectly advocates the overthrow by force or violence of the government established by law in British India, or the abolition of all forms of law or organised government...."

Now, it is not in an ordinary court of law. What will the Governor General and the three assessors do without any arguments? How they can make up their minds without hearing the other side, how they can say that it is an indirect advocacy, or is not an indirect advocacy, I am unable to understand. This expression "indirect advocacy" lets in a whole mass of prejudice by which any man can be easily deported. Then, Sir, "abolition of all forms of law or organised government"—these are rhetorical phrases. I can understand the Government established by law in British India, but "the abolition of all forms of law or organised government" will be very difficult indeed to interpret. It will be hard to say how all forms of government are destroyed or attempted to be destroyed by an indirect advocacy of this description. Therefore, the speeches which are made or the writings which are published by a person who is charged with such advocacy will have to be carefully examined by the counsel and Judges before you can show that all forms of law are set at nought or organised government brought into peril. Then again, we have got sub-clause (*b*) of that clause which says—

"seeks to foment or utilise industrial or agrarian disputes or other disputes of a like nature with the direct object of subverting organised government in British India or with any object the attainment of which is intended to conduce to that result."

The latter part of that sub-clause is very wide indeed and it is impossible to understand what cannot be "an object the attainment of which is intended to conduce to that result", *viz.*, subverting organised government. If the clause had stated merely "with the direct object of subverting organised government in British India" it would be intelligible, but this padding which has been put in, which has no sense whatever and under which any kind of thing can be brought in, will make this Bill, if it is not worked by a court of law and by an ordinary court of justice, an instrument of monstrous oppression in the hands of a secret authority, because it all means that a man, without any arguments or any right of reply, being told that his object is indirectly to subvert the organised government of British India. The object may be far removed from the object of subverting the organised system of government, but, Sir, any object can be brought in. And I am in entire agreement with my Honourable friend Mr. Prakasam who pointed out that sub-clause (*b*) is very dangerous because it really, under the guise of preventing agrarian disputes or industrial disputes or other disputes of a like nature, prevents the orderly progress of agrarian reform and progress and the industrial welfare of this country. I submit, Sir, that it is inevitable that many movements, agrarian and industrial, must take place in this country and people must be tolerant enough of these things unless they are attended with violence. Unless people feel that their present condition is very unsatisfactory they are not likely to undertake any movement. But if the present position is unsatisfactory, movements of this description, agrarian or industrial, cannot be put down in this way. For it is repressive not only of the European

British subject and the Asiatic British subject, of the Asiatic foreigner and the European foreigner, but, Mr. President, it is really an attempt made by the Government, by means of this Bill, to suppress all wholesome and orderly movements which will necessarily involve some industrial unrest, some industrial disputes, some agrarian disputes. For instance, supposing the untouchable classes, who are represented by my friend from Madras, are not given lands to cultivate, surely there will be some agrarian disputes between the untouchable classes and others. And is it to be said that the untouchables are to be put down because there is agrarian discontent on the part of these labourers or coolies in certain agricultural districts? Anything can be an industrial dispute: wages, hours, maternity benefits, the failure to recognise a union, any dispute between a capitalist and a labour union or even between different labour unions can be called an industrial dispute.

The object of this Bill, I say most advisedly, is not really to deport Bolsheviks or Communists or anything of that kind. The object of this Bill is really to put down all kinds of movements in this country, agrarian or industrial, which are intended for the purpose of relieving poverty and unemployment and for the purpose of getting an advance in wages and material conditions of labouring classes. I say this is the real object of this Bill; otherwise, it would have been perfectly made clear in this Bill that it is only against Communists that it is intended. I do not see why the expression "Communist" itself should not be used in this Bill. Everybody knows what a Communist is in international literature; everybody knows what Communism is, what Socialism is. There are numbers of books, good, bad and indifferent, written upon it. One would use the expression "Communism or Communist" if that were the object of this Bill. I say it is not the object The plain object of this Bill is to remove Englishmen and other persons coming to the help of the Swaraj Party, or the Nationalist Party, or any Party in India which fights for the freedom of this country and which fights for reforms—that is, under clause (*a*). (Cheers.) The object of clause (*b*) is not to fight Communists but to put down agrarian and other disputes. It is not really intended in favour of Indian capitalists. They may vote now with Government, but they should know perfectly well how the Bill will be worked. I therefore submit that the whole of this mischievous clause remains intact. Generosity is exhibited by saying that a certain provision is omitted, *viz.*, the clause which repeated section 153-A of the Indian Penal Code. But the thing which remains is really the more offending thing. I do not know that I have any objection to the retention of those clauses if the Bill is otherwise good. The retention of that clause would mean that communal riots and disturbances would also be put down. Therefore that clause which relates to communal and class quarrels is alone omitted; at any rate, that is a fair comment on my part when you omit only that portion of it without omitting the rest of the section.

My main objection is to arming the Governor General in Council with this authority. I have already stated on the last occasion my detailed objections to that proposal, how the Governor General in Council means merely that administrative link which makes itself felt and which tightens up the chain throughout its length. But whatever they may be, I submit that it is not right that the Governor General in Council should be brought into this arena of international politics. For what will be the result? If the Governor General in Council is to be made responsible

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for the purpose of deporting a Frenchman, a German, a Russian, an Italian or a Chinaman, surely the Governor General in Council will have a feeling against him in the countries from which those people come, and my anxiety is, and the anxiety of the Treasury Benches should be, to remove the Governor General in Council from the arena of controversy and leave them in a safe dignified isolation. The only way in which this should be dealt with is by leaving it to an impartial court of justice. Whether he be a German, a Frenchman, a Russian or anybody else, he understands that he has had his case tried by a court of law and therefore his Government will not be upset, his newspapers will not be upset, unfriendly relations between the Indian people and foreign peoples will not be created, and hostile feeling between this Government and the Governments of their respective countries will not be generated. Therefore, if I were in charge of the Government—of course, I will not be, I am sure—if I were in charge of the Government I would certainly leave it to a fully trained judicial tribunal and avoid the executive responsibility for thereby I bring upon myself the odium of all the foreign countries and of their Press. I really cannot understand how public interest is served by bringing in the Governor General in Council again and again into this arena, as I said, of a very violent and bitter controversy. Therefore, Sir, that is a point of view which ought to commend itself to experienced administrators on the other side ; but of course they are past talking to.

Then there is one other matter which I have got to mention. It is said that this anti-Communist legislation is necessary. We have, however, explained on this side in a variety of ways how it is *not* necessary. That argument has not been met at all: and to the extent to which it is now conceded that some inquiry is necessary, it is quite clear that the Government agree with us that the ordinary law will suffice. Therefore, Sir, what is really the point is that they do not want the ordinary tribunal to interfere: they want an extraordinary tribunal constituted by the Governor General in Council. It was perfectly true in the days of the East Indian Company, long before the Government of India came into the hands of the Crown, that the Governor General in Council was the legislature, he was the judge and he was everything, but those were the old primitive methods of administration: and I am astonished that this Bill could have been sanctioned at all—I suppose it must have been to some extent administratively or departmentally sanctioned by the Secretary of State—I really cannot understand how that was done at all: but any way my complaint remains that no advance has been made by the Select Committee on the question of judicial inquiry. Sir, there is no judicial inquiry provided, and let every Member be aware of it. It is not a matter of rhetoric; it is a matter of plain, honest truth when I say that there is no judicial inquiry: and if you give your adhesion to this Bill, why, then, any man who gives it must realize that there is no judicial inquiry, and therefore let him really search his conscience and let him give his vote with a very full realization of that fact.

So far as the High Court is concerned, I have dealt with the matter and I do not propose to deal with other aspects. Mr. President, I will conclude by saying that all the parties in the country met at Lucknow ; they have drawn up a constitution and made a very generous gesture and offered to co-operate in the way in which that constitution is meant to work—for to some extent that means co-operation. I may not agree to all parts of the

constitution, but there is not the slightest doubt that it is a very generous gesture ; and now for the Government to persist in this line of action, takes my breath away. I cannot understand where a generous response to this generous gesture is to be found. Of course I understand perfectly well what the Government is after—I do not blame them for the time they take, because they know perfectly well that so long as this Assembly is not wholly elected, they can carry some of the measures in the way in which they have done ; but that is all the more reason when they themselves want the co-operation of Indians in various ways, Government should permit every Member in this Assembly to regard himself as an elected Member and not as a nominated Member, and why, the Members of the Government should also regard themselves as really elected Members holding their seats only by the confidence of the Indian leaders if they can. That is the only proper way because we have been told that conventions were going to be established: and I know that for ten years the convention is being established that we are not to take anything into account except declared necessity,—because to-day we are not told what is the necessity for this Bill,—how many Communists there are, how many speeches have been made, what acts of violence have been carried on, did they set the Ganges or the Hooghly or the Cooum on fire ? And what is it that they have set on fire that nobody knows anything about it ? But in that secretive way, characteristic of British administration in India, we are told that if we are responsible men, we ought to take whatever they say for granted and to vote whatever powers they want. We are at liberty to criticise them occasionally and say a thing here and a thing there But they say, when Sir Hari Singh Gour is on the Select Committee, how can any responsible man and lawyer get up in this Assembly and oppose this Bill ? I, Sir, with all the temerity that I am capable of, I do oppose it, and most strongly: notwithstanding all the legal and other talent that was upon this Select Committee, and notwithstanding this production of theirs. It reminds me, Sir, of that classic quotation about the labouring mountains producing a ridiculous mouse. I think that this Bill is one which deserves the severest condemnation from every section of the House, not only from my side of the House but also from the nominated Members. I cannot understand how the nominated Members can claim to vote with the Government on such a measure as this which affects vitally international relations. I can understand nominated Members differing from the elected Members on the question of political reforms in this country. But it is the duty of every nominated Member, whatever community he represents or does not represent, to look at this Bill in the only way in which such a Bill as this should be looked at. It is a Bill aimed at the suppression of ideals and ideas; it is a Bill aimed at the suppression of movements which are perfectly legitimate, movements which have enabled other countries to reach their full stature and to reach a state of material and moral prosperity which they had never reached before. The whole object of this Bill is to suppress those movements, to suppress the empire of ideas. Whether this Assembly passes this Bill or not, I give you this warning, that no ideas of the description against which it is supposed that this Bill is aimed can be prevented from travelling all over the country and from taking root in India or in any other country if the ideas themselves are sound. It is a question of the soundness of the ideas. If the Communist ideas are unsound then the best remedy that you can adopt is to allow those ideas to blow away like a wind, leaving no harm behind. But if the Communist ideas are wrong I am perfectly certain that they will

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be suppressed by the people themselves and it is not necessary therefore for this Assembly to arm the Government with these extraordinary powers which it claims that it should have. Therefore, Sir, I oppose this Bill.

Sir Victor Sassoon: Mr. President, I do not propose to take up the time of the House as long as I did on the previous occasion of the second reading. I do not propose to attempt to convert those Members, like my Honourable friend Mr. Srinivasa Iyengar, who have decided to vote against the Government on principle whenever it is proposed to give that Government summary powers, irrespective of the merits of any measure that may be placed before the House. I do not even propose to attempt to convert those Members who, in spite of the detailed account I gave of the situation in China, still rock themselves in the sweet belief that Bolshevism and Red Communism can never take root in India. I shall confine my remarks to those Members of this House who have not given their consciences and their judgments to their Party Whips and who are prepared to use their intelligence and their intelleets to the best of their ability and are also prepared to give their vote according to their own considered judgment.

Mr. President, however, defective, however lacking in safeguards, this Bill was in its first stage of appearance before the House, I venture to affirm that as it now comes to the House it is a Bill that is by no means a bad Bill, that it is a reasonable Bill and it does provide sufficient safeguards to render it innocuous to those to whom it is not intended to apply. (Applause). I should like, Sir, here to offer a word of appreciation to the Honourable the Home Member for the accommodating spirit in which he met the criticisms of the non-official members of the Select Committee (Applause) and in spite of the fact that he was very doubtful as to whether the Government was not giving too much away he certainly did, wherever he could, allow us to put in the safeguards which we thought were necessary. I do not say that this Bill is a perfect Bill or that it cannot be improved by amendment. I think my Honourable friend Mr. Srinivasa Iyengar did make a point on the procedure before the three Sessions Judges, and I have this morning tabled an amendment, which will no doubt come before the House in due course, on clause 7, which is intended to temper the wind to the shorn lamb. But, Sir, I do ask this House to approve the Bill as a whole, that is to say, to throw out any wrecking amendments that may be brought forward. After all, let us examine the Bill from the opposite point of view, let us assume that this so-called Satanic Government misuses these summary powers. What form of monstrous oppression could it afford the individual? Let us take an individual who has got a stake in the country, who has by remaining in this country for many years, by carrying on his business interwoven his own economic interests with the economic fabric of this country. To him a sentence of deportation will be a very serious hardship. But this individual under the safeguards of this Bill is exempt and he may, if he wishes, like my friends on the Benches here, become as ardent a Bolshevik or arch-Communist as even Mr. Prakasam without coming within the scope of this Bill. The only person who is dealt with by this Bill is the casual visitor and even to him it would only mean the inconvenience of not being able to go over India and see its sights. In fact, the only monstrous oppression that could take place with such an individual is that he would be debarred seeing the Taj Mahal by moon-light, but on the other hand there is nothing to prevent him from going further afield and visiting the ruins of Ankor in Cambodia, then to China to see the Temple of Heaven in Pekin and so on to that most picturesque country, Japan. That, Sir, is the monstrous oppression which is going to affect anybody who comes within the purview of this Bill.

Now, let us take the case of India. What is India going to lose if a man is deported under this clause? We will still assume that the Government is misusing its powers and that the individual who has been deported by the so-called Satanic Government is one who has merely come to India to help the Swaraj Party to gain Swaraj, the Nationalist Party to gain nationalism and the Independent Party to gain independence. (Applause). Sir, do Honourable Members here consider that Swaraj is unattainable without outside help? Looking as we do on the brilliant intellects on the Benches opposite, do their own followers under-estimate the abilities of their leaders that they feel that there is no hope of the speedy attainment of Swaraj without the help of foreign advisers? Is that really what Honourable Members think? (*Feeble cries of* "No.") I hear cries of "No", but they are not very strong cries, in fact they seem rather attenuated cries. I am glad my Honourable friend, Mr. Prakasam, does not believe that we must rely on foreign help if we are going to get Swaraj. Well, if so, then if this House believes that Government will misuse its powers, there will be only one cook the less to spoil the broth, so that the loss to India even in that event will be nil.

So much for the debit side. Now let us take the credit side. Admittedly the Red elements in this country are uneducated, disorganised and have not the benefit of the intelligentsia of India to help them. As far as I understand, at any rate in this House, there is no one here who is willing to help Bolshevism or Red Communism, with the honourable exception of Mr. Prakasam. Therefore if the counsel and advice of trained propagandists and organisers from outside is taken away, we shall at any rate be delaying the development of Bolshevism and Red Communism in India. That is the main point, that is what this Bill is trying to do. It is trying to delay the development of the Red menace in India. If these Red organisers get in, in spite of the Bill, we are not worse off than we would be if there were no Bill. Once they come in, however, and are given time, it does not matter to them whether you send them away or not. Their work is done. It is no use sending them away once they have organised the destructive forces of the country and after they have worked up a revolution, not only against the present Government but against the majority of the Members of this House, or at any rate the classes which they represent. That is the reason of the urgency of this Bill. It presents the same sort of difficulty that this House was in when the first brick fell down near the Commander-in-Chief. The House did not say, "Let a few more bricks fall down," but they took action at once to prevent more bricks falling down.

Mr. M. R. Jayakar (Bombay City: Non-Muhammadan Urban): We saw the brick fall, and were not asked to take it on trust.

Sir Victor Sassoon: I am surprised at Mr. Jayakar. He is one of those who will believe nothing in this world unless they see it for themselves. If that is so, may I ask Mr. Jayakar why he believes in Swaraj in India because he certainly has not seen it here. (Laughter).

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So it boils down to this. We are enabled by this Bill to delay the development of Red Communism, not ordinary Communism, peaceful Communism, but Red Communism. We are getting something and losing nothing. If in spite of this Bill Red Communism gets into the country, we are no worse off than if this Bill was not on the Statute-book. Something to nothing. Surely that appeals to the sporting instincts of my friends opposite.

But there is one other point. It is said by some that if this Bill were passed, it would create a precedent. I think that is true. Mr. President, the precedent that the passing of this Bill would create is the precedent that the elected legislators of this country are prepared for the sake of their country to sink all party feelings. (Cheers.) They are prepared even to support an irresponsible Government and so prove to the world at large that they can be statesmen as well as politicians. (Cheers.) But if this Bill is thrown out, what will the world's opinion be ? That the elected legislators of this country are so wrapt up with their small, petty political party considerations, that they are not only prepared to cut their noses to spite their faces, but that they are prepared even to risk doing damage to their country, merely to enable them to use the slogan, "We have defeated the Government once more."

Sir, I commend this Bill to the Members of this House, who boast a little commonsense and who are prepared to use it.

Mr. N. C. Kelkar (Bombay Central Division : Non-Muhammadan Rural) : Sir, I am glad that I have been able to take part at least in the final stages of the discussion of this Bill, and I say so because I really think, in all conscience, that it is a bad Bill and I do want to turn it down if I can do so by my vote if not by my argument. At one time I had hoped that the Bill would come back from the Select Committee improved materially. But that hope has been frustrated. I find the Bill comes back absolutely untempered in its absurdity and unshorn of its evil features. I have a double quarrel, one with the Bill itself and the other with the Government who have introduced this Bill. I have a quarrel with the Bill for a number of reasons. In the first place it gives arbitrary powers to Government and in the second place it condemns the accused person unheard. Then the procedure, even as it is amended in the Select Committee, is simply funny because the Governor General comes at the wrong end instead of at the right end. The proceedings should really have commenced with a notice to the accused person to show cause why he should not be proceeded with under this Bill. But here the Governor General begins the operation by his actually issuing an order, so that all further hope of his prerogative being used in favour of the accused, if necessary, is lost. Then, we see that the materials of the charge are to be kept secret, and absolutely no opportunity is to be given either to the accused or to his pleader to rebut the charges brought against him. The scope of the offence is absolutely vague and uncertain. Lastly, I quarrel with the Bill because it penalises even tendencies and doctrines and dogmas instead of actual action. Now, on that point, I would just like to draw the attention of the House to a passage in Viscount Morley's Book on "Compromise." He says that even for a Member of Parliament who has taken actually the oath of allegiance, it is not

illegal or treasonable to actually preach that the Crown should be put into the melting pot. That is allowed because it is only a doctrine ; but Government would step in and take action against him only when he begins action, that is, only when he tries to bring his ideas into actual operation, either by taking up arms or fighting against the Crown. I have therefore a quarrel with this Bill on all these grounds.

Next, I will place before this House my ground for quarrel with the Government who have introduced this Bill. First of all they have shown in this Bill an absolutely morbid craving for new powers. I compare them in my own mind to the chivalrous knight of the fable of old who, as I have read in the book, wanted to so complete his armour of defence that he ultimately covered his own eyes so that he could not see where he was hitting or against whom he was hitting. Like Don Quixote, the Government are going at full speed and tilting at a wind mill, but just as Don Quixote suffered in that battle, I am absolutely certain that whatever laws may be passed by this Assembly, they will all come to ruin, if the Government do not take Communism seriously and deal with it as it deserves really and not in the present fashion. Then, Sir, I want to make this point that no satisfactory reply has been given to the charge that Government have been unnecessarily taking new powers to themselves when they have ample powers already under the existing law. There is the Penal Code, and apart from punishing the offender in any manner you like and awarding any term of imprisonment—apart from that—it gives the man into your own power without letting him loose over other parts of the world. Then you have got the Regulations, and under those Regulations you can confine a man for as long a period as you like. And, lastly, I see no reply has been given to the point made by the Honourable the Burma Member. I think he stressed very rightly the fact that the practical purposes of Government in this matter would be satisfied by the Foreigners' Act. I have not seen any reply to that argument that action taken under the Foreigners' Act would absolutely serve the purpose of Government in this respect. It can be said, I think, that a trial under the Penal Code is a better method of dealing with these people. It is more efficacious. But it has been said that our jails are not commodious enough to accommodate these people. But after all how many such people are in question ? At any time only a few persons of this kind can come into India and be in India to be dealt with ; and certainly our jails are spacious enough to accommodate these people. Why, I go further than that and I say our jails are spacious enough to accommodate even certain Members of the Government on the Benches opposite, only we have not the right to impeach them for maladministration.

My next point is that the Indian Legislature is being unnecessarily asked to take upon itself a responsibility which is really due to Parliament. Now, who is the sort of man who will come under this Bill in India ? I take it that he is a propagandist ; but nobody will be sent to India for this object unless he is a tried and experienced hand. That assumes that he must have made up his mind, he must have learnt his doctrines and he must have made speeches and learnt to organise in this matter in England itself in the first place or in other countries. It is not as if he becomes a full-blown Communist only after he comes to India. Now let us assume that this propagandist has declared his views when in England. Then the next question is, why should not England herself deal with this man rather than leave him to be dealt with by this Bill

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here ? It was said by a philosopher that the best furnace is that which consumes its own smoke ; and if this Communist propaganda is a nuisance like smoke, why should not the furnace of England consume its own smoke rather than pass it on to India to deal with here ? Why is the British Parliament asking the Indian Legislature to do this ? There is an adage in Marathi, my own language, which says that the wily host often tries to kill the serpent by the hand of his guest. The meaning and the significance of that is obvious. If the serpent is killed by that means, you get rid of the serpent ; but if instead of the serpent the guest is killed, an unwelcome guest is by that means also got rid of !

I will now turn to certain special objections which I have got to urge against this Bill. Now this Bill I suppose aims at one of three things. First of all, it is aimed against the Soviet. Then it is aimed against the doctrines of Communism, and thirdly, it is aimed against the propagandists of Communism. First let us take the Soviet. I suppose we are not at war with the Soviet. I do not know whether actual diplomatic relations exist between the British Empire and the Soviet, but I do know that something which is better than diplomatic relations does exist, namely, exchange of commercial goods. They may have broken off diplomatic relations, but they have not broken off commercial relations. My friend, Mr. Belvi, has very clearly proved to this House by a number of quotations—he might have read further—that the Soviet is not the monster that it is depicted to be by interested parties. (*An Honourable Member* : "Question.").

Now, Sir, with regard to the theory of Communism, it is after all only a theory, only a doctrine, a dogma at best. All new theories and all new ideas are like children. We know what a child is ; it is full of animalism ; it has got abundance of energy and a little tendency towards mischief at times. So this new idea of Communism has got all these three attributes : it is full of animal spirits ; it has got abundant energy because it is concentrated on one point ; and also it has a little mischief. But what I wish to say is this : there is nothing unusual with this particular doctrine of Communism. It has been the case with all doctrines and theories, and therefore we should be able to treat this dogma or doctrine as we have treated other doctrines in politics or economics. Take the case of the French Revolution. The original doctrine of Equality, Liberty and Fraternity must have been looked upon as very dangerous at one time ; and with some plausible reason because, as we know, the French Revolution began its career with red ruin. But after a time this mischievous tendency, this energy, this animalism spent itself and ultimately we see a peaceful and well organised republic was established in France and indeed in many other countries in the world. Therefore what looked at one time monstrous and very dangerous was ultimately found to be very useful and serviceable to society and is now acclaimed and welcomed by all the world.....

Sir Victor Sassoon : In their own country.

Mr. N. C. Kelkar : Even outside. What is Communism again ? It is only an advanced doctrine, slightly advanced upon Socialism. In the previous stages of the debate Mr. Gavin-Jones pointed out that there was a difference between Socialism and Communism and I admit that there is a difference ; but it is very slight. In England, for instance, we see

Socialists and Communists fairly mixed up together. (*An Honourable Member* : "No".) No one knows who is a Socialist and who is a Communist because there is a very thin line of difference between the two.

An Honourable Member : There is a world of difference.

Mr. N. C. Kelkar : Therefore, if Socialism which has been accepted thoroughly by England is not dangerous, I do not see why it should be pretended that Communism which is only the next advanced step should be debarred as dangerous. As Mr. Aney says, it is after all a question of time ; and howsoever rudely you may deal with new ideas and doctrines, ultimately they assert themselves and triumph, and I am absolutely certain that this doctrine of Communism also, of course, so far as my wish goes, in its best elements only, will ultimately triumph and prevail in the world.....

Mr. T. Gavin-Jones (United Provinces : European) : Does the Honourable Member support the Third International ?

Mr. N. C. Kelkar : That has nothing to do with this.

I wish to advert to another point, Sir. It has been represented to us in the first speech of the Honourable the Home Member that Communism is something which is entirely against the Indian religion and Indian culture. Now, let us see how far that is true. He says :

"The other items included in this programme are the overthrow of the feudal relations of the nationalisation of large enterprises, the confiscation from landlords of church and monastrial lands, and nationalisation of all lands."

In the first place, I do not think that the Honourable the Home Member has fairly represented the doctrine of Communism. It does not go as far as that. But taking things bit by bit, let us first come to the feudal relations. Now, Communism, it is said, deals very badly with feudal relations. But what about capitalism itself ? I will just quote to the House a passage to show how Capitalism dealt with feudal relations. I am quoting from "Religion and the Rise of Capitalism" by Tawney. This is what he says :

"In a famous passage of the *Communist Manifesto*, Marx observes that the *bourgeoisie*, wherever it got the upper hand, put an end to all *feudal*, patriarchal, idyllic relations, pitilessly tore asunder the motley feudal ties that bound man to his 'natural superiors', and left remaining no other bond between man and man than naked self-interest and callous cash payment."

That is the verdict of this author upon Capitalism. Now, what reason is there for the Honourable the Home Member to say that Communism will come into India and deal injuriously with feudal relations ? Capitalism has already done that in other countries, and it has done the same thing in this country also.....

Sir Victor Sassoon : By what methods ?

An Honourable Member : By money.

Mr. N. C. Kelkar : With regard to the other point raised in the Honourable Mr. Crerar's speech, I mean the nationalisation of large enterprises, I ask in all earnestness, what is wrong about it ? Are we not already talking of nationalisation of large enterprises ? Take the Railways, for instance. Why did you go in for taking the Railways into your own hands and running them as your own industrial enterprise ? Why were you not content to leave the administration to the railway companies ? That is nationalisation of one of the biggest industries in the

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country, and once you have begun with that, I do not see why you should stop at other things within reasonable limits.

Then with regard to the question of the confiscation of lands from landlords, I do not think that Communism preaches confiscation of lands from landlords.....

Mr. T. Gavin-Jones : Of course, it does.

Mr. N. C. Kelkar : It does not. It only provides for common administration for particular pieces of land under a particular system, for tilling by different tenants grouped together. It does nothing beyond that. Then come the church and monastrial lands. Don't we see that already there is a tendency, an accepted tendency, an acknowledged tendency, and an accomplished tendency also, to establish, if I may say so, disestablishment between the Church and the State, a tendency to make the State and politics secular instead of being mixed up with religion ? And if we have to make politics and the State secular instead of mixing them up with religion, we have actually to bring into operation the separation of the churches and monasteries from politics and achieve disestablishment of their property, the church and the monastrial lands.

Then with regard to charity, even in India, which is of course a conservative country so far as public charity is concerned, don't we see that the face of charity is actually turned by this time, and instead of endowing monasteries and temples, charities have taken a new course providing for only social service rather than those old methods of practical religion ? Therefore, I say that the points made against Communism by the Honourable Mr. Crerar do not hold any water at all. Government have simply been hypocritical in putting forward those points, and in telling us, " Oh, Communism is such a bad thing that we are going to give you protection against yourself so far as Communism is concerned ". We have never asked for this protection. Why should protection be thrust upon us ? Sir, Communism we all know is not exactly a new theory but it is as old as the hills. It is to be found in a form in Plato's Republic, in Sir Thomas More's Utopia, and later on coming to the Corn Law League days, we find many rhymes about these Communists :

" What is a Communist ? One that hath yearnings
For equal division of unequal earnings.
Idler or burglar, or both, he is willing
To fork out his penny and pocket your shilling."
(The Corn-law Rhymer's lines.)

That was the idea held about a Communist at that time. But in course of time, by the march of time, Communism has triumphed and it has ultimately commended itself to the world at large. Communism is now coming into its own and is an accomplished fact. Now, Communism, we know, the Communists in Russia, for instance, show a new feature. They show discipline, they show self-restraint. They show self-denying ordinances. In my mind I can compare them with the Puritans under Cromwell of old, who would impose self-denying ordinances upon his followers. Now, take the case of these Communists. I have read in a book that Lenin, the President of the Russian Soviet, actually lived upon £22 a month. Now, if that be a fact, does it not prove that these Communist people have got a lining of spiritualism and religiousness in their minds and that they are not as sordid as they are represented to be ? (*An Honourable Member* : " Anti all other religions.") Then, again, the Communists are not "irreligious " in their intentions, and in regard to that I will just read out a passage to you from another book :

" Thus, while the Communist Party opposes religion and inculcates its own philosophy of Historical Materialism, it preaches the *religion of Social Service*, and lives up to it with a more than religious fervour, and with a discipline which is higher than that imposed by any Church in the world upon its members."

Now if that be a fact, would you call Communism irreligious as it is said to be ? Then, with regard to its political tendencies, it is always represented that, like the French Republic of old, the Soviet is going to make war upon the whole world. In that respect, I shall read a passage from a book about Russia :

" All over Russia I found a great apprehension of war, and a passionate wish for peace which the Russians think will be denied them."

You will see from this that it is the other nations that are forcing war upon Russia, not Russia which is forcing war upon other countries, and that the intentions of the Soviet are therefore peaceful. After all, what is Communism ? It is only aimed against Capitalism and not against capital. You can easily make the distinction between capital itself and Capitalism. Even in Russia I thing Lenin or his companions were not so foolish as to suppose that nations could live without wealth and economic goods, or that economic goods and wealth could be produced without *capital*. Therefore, you cannot suppose that in Russia they do not want capital : what they do not want is this vicious system of Capitalism. And with regard to the viciousness of Capitalism as a system I will just quote to you a very high authority, than whom there is no greater,—Professor Keynes. This is what he says about the capitalist system :

" Modern capitalism is absolutely irreligious, without internal union, without much public spirit, often, though not always, a mere congeries of possessors and pursuers."

Look at that description of Capitalism and let us see why it is wrong to preach against Capitalism, why it is wrong for Communists to preach their doctrines against Capitalism as such and not capital.

Then there is one last point which I wish to make and then I will sit down. That is a special point. That point is that apart from other evils this Bill offends against the Indian sense of hospitality ! I tell you why. I have good reasons for it. What does this Bill want to do ? It wants to penalise at our own hands visitors coming to India and teaching us new ideas. May I ask the House whether India has definitely and finally for ever set its face against the learning of new ideas, and why should we not show hospitality to those people who, with a broader outlook than ourselves, with a broader vision and ampler knowledge than ourselves, come to India and teach new ideas ? This Bill wants to penalise such people at our own hands. Therefore it offends against our sense of hospitality. But what is the tradition of England itself in this respect ? Go to the history of the 19th century and what do you find there ? England has given not only asylum but a hospitable home to republicans and revolutionaires of the word (*An Honourable Member* : " To anarchists ".)— Mazzini, Garibaldi, Louis Kossuth, Karl Marx, and Prince Kropotkin ! These people were avowed republicans and revolutionaries who had achieved something in their own countries and then they went to seek protection and asylum in England. England was a monarchical country

[Mr. N. C. Kelkar.]

then, and if it did not want to spoil its monarchical ideas it should certainly have closed its doors against those people. But far from doing so, England received those people, welcomed those people, and even lionised those people. And here by this Bill you want to shut our gates against preachers of new ideas and thrust protection upon us when we are not asking it ourselves. Now, take the case of even the present day England. Do not Communists live and flourish there ? Is there any law passed in England even now against Communists as such ? Who is Mr. Saklatvala who is a Member of Parliament ? I do not know whether he is called a brown, yellow, red or green Communist, but he is a Communist all the same, though he may be called by any of the colours of the rainbow.

Now, we have been told by the Honourable the Home Member that trade unions are trying to purge themselves of Communism. It may be true, but by what method—that is the question. Trade unions are perfectly at liberty to discuss the merits and demerits of Communism and reject Communism if they like, but the method is not by the passing of a Bill like this. Therefore, my objection is, leave us to our own common sense, and if we find anything that is good in Communism we will accept it ; if we find that Communism is objectionable, of course, we will let it down ; we will not accept it. But here you are thrusting protection upon us and that we resent as an insult to the intelligence of the custodians of national common sense and discretion. You must leave that to us. Let the visitors come, let them teach us any doctrines or dogmas that they like. It is for us and not for the Government to sift and see which is to our good and which is not. So long as we are not asking for protection ourselves, it is an insult to our intelligence that this protection should be thrust upon us, as if we were children who had no discerning intellect to see what was wrong and what was right. But what is really at the bottom of all this is that Communism runs counter to Imperialism. And with regard to Imperialism I will ask the House, are we in favour of Imperialism ? (*Cries of* "No, no" from the Swarajist and Nationalist benches.") We may hold allegiance to the Crown in a way—I say in a way ; but are we really "Imperial", and enthusiastic about holding up Imperialism ? (*Some Honourable Members* : "No, no.") We are for breaking up that sort of Empire because the latest word in world politics to-day is "Commonwealth", not "Imperialism". Therefore, let that commonwealth be established in this country, let us be friends with England and the Colonies and.....

Mr. President : Order, order. If the Honourable Member is going to be long, he might continue to-morrow.

Mr. N. C. Kelkar : I will just finish, Sir, by drawing your attention to one small quotation : that is a kind of warning which Government must hold before their eyes.

An Honourable Member : How many quotations will you give us ?

Mr. N. C. Kelkar : Any scheme of Communism is regarded as devilish and Satanic, but here is what this author says :

"The Prince of Darkness has a right to a courteous hearing and a fair trial,"

—even a Prince of Darkness, I say—

"and those who will not give him his due are wont to find that, in the long run, he turns the tables by taking his due and something over. Common sense and a respect for realities are not less graces of the spirit than moral zeal. The paroxysms of virtuous fury, with which the children of light denounced each new victory of economic enterprise as yet another stratagem of Mammon, disabled them for the staff-work of their campaign, which needs a cool head as well as a stout heart. Their obstinate refusal to revise old formulae in the light of new facts exposed them helpless to a counter-attack, in which the whole fabric of their philosophy, truth and fantasy alike, was overwhelmed together. They despised knowledge, and knowledge destroyed them."

This is from "Religion and the Rise of Capitalism", by Tawney. I would draw attention to the concluding words, "They despised knowledge, and knowledge destroyed them".

Several Honourable Members : I move that the question be now put.

Colonel J. D. Crawford (Bengal : European) : Sir, it is with some diffidence that I rise after listening to the arguments of my old friend, the Honourable Mr. Kelkar, whose lecture made me feel I was back in his little room at Poona discussing and arguing on military problems. My Honourable friend has been loud in his praise of Communism. I asked my Honourable friend, Mr. Srinivasa Iyengar, the other day how long he had been in Russia in order to enable me to judge how long he had had to make up his mind regarding the benefits of Communism. It may interest the House to know that I myself actually held at one time a temporary commission in the Red Caucasian Army and I also filled the role of Food Controller to the Russian Government at Baku along with my friend, Monsieur Roklin, who had been in Siberia for 20 years. Now these Communist leaders are admirable men but idealists; but, exactly as my Honourable friend Pandit Madan Mohan Malaviya said the other day, their theories are impracticable. Sir, it is not possible to make every man equal in health, culture and physical strength. These are matters that are beyond the reach of mere legislation. I remember, Sir, as an example of how unpractical their ideals were, that one of the points raised was that the physical beauty of Russian ladies should not be entirely at the disposal of the upper privileged classes but that it should equally be placed at the disposal of the proletarait ; the necessary law was passed. However, there was a feminist movement which said that what was sauce for the gander was sauce for the goose ; and they said, why should not we, old and perhaps not pleasant looking ladies, be entitled to have our selection of the men ? Needless to say, the law was immediately rescinded. But really the crux of the matter is, how do these men hope to arrive at their ideal goal of Communism ? And they told me. Time and time again they said, "Colonel Crawford, the only way to build up a new world is to destroy the old, to destroy all the civilizations that exist in the world and restart again." And that is what they did in Russia. They destroyed their religious institutions and they destroyed many thousands of lives. And that is what they would do in every country before they started to build up again. And after all that horror my Honourable friend Mr. Srinivasa Iyengar comes back from Russia and tells us, they have at last possibly arrived at a measure of political and religious freedom very far behind what we have in this country to-day. (*An Honourable Member* : "What year were you in Russia ?") In 1918. But the point is that their idea of getting to their goal is to destroy all that exists. They are fanatics and idealists. You may go and talk to them and find them very pleasant men. But they are not practical men ; they are dangerous fanatics who would destroy the existing system of society. There are many people in this House who cannot read the writing on the wall ; yet for the last six months I think any man with intellect and

[Colonel J. D. Crawford.]

a knowledge of India would have said to himself, "What is at the bottom of all this trouble going on?" It is unlike Indians. You are all non-violent, and yet there has been violence, a great deal of violence and unrest amongst the labouring classes. What is underneath all that? Men who have been in touch with it say that there are behind this movement Red Communists in India, men whose sole desire is to prolong strikes, to create and develop unrest wherever they can, and those are the men you have to watch.

Another argument brought forward by the Opposition Benches is one that appeals to me—it is that Government have already powers to deal with this menace. Now I suggest that the very nature of the Bill shows that the powers that exist, with the exception of Regulation III, are not adequate to deal with the problem.

Mr. Jehangir K. Munshi (Burma : Non-European) : What about the Foreigners' Act?

Colonel J. D. Crawford : The Foreigners' Act equally does not meet the actual position. What does Government come to you and say? They say, "If we had the evidence that we could lay before a court, that would be the natural course for us to adopt". We have had this argument out on the floor of this House before. If you have any knowledge of the sources of information which rest in your hands—information as to what is going on in the secret world—everybody must, I think, realize that if you handle that information badly you expose your sources of information.

Mr. Jehangir K. Munshi : Have you read the Foreigners' Act?

Colonel J. D. Crawford : I heard the Honourable Member expound the Foreigners' Act the other day. The point is that you are not in a position to place your evidence before a court of law. If you do so, you expose your sources of information. But the answer always comes from that side that the sources of information which the Government have are tainted and unreliable. Now, Sir, if any gentleman in this House had had any experience of intelligence work he would know that an intelligence officer gets a bit of information from one source but he does not immediately accept that as fact. He places it on record as an interesting item, and it is not until that particular item has been confirmed from other sources entirely unconnected is he prepared to say that that is a fact. And surely the Judges that you are now providing for in the Bill will be able to tell whether those sources of information which Government has are such as to confirm the fact or whether they are tainted and therefore unreliable. Surely you cannot expect that those sources of information should be disclosed to Members here. My friend Mr. Joshi appears to have no particular reason for voting against this Bill ; his real reason appears to me to be one.....

Mr. N. M. Joshi (Nominated : Labour Interests) : Where did you learn this?

Colonel J. D. Crawford : I am giving you my appreciation of your position. It appears to me to be considered mainly with the funds coming to India from Russia and he would very much like to have those

funds available to him for the very excellent work which he is doing on behalf of labour. Were he to declare himself on the floor of this House that he is definitely frightened of the Red agents now working with him, naturally the funds from Russia would dry up ; and I quite appreciate his position. Unfortunately that is so. But there is the point. You have to-day a menace in India which, from what Sir Victor Sassoon has told us of China, is an insidious disease. There you had the old system of ancestor worship which many believed could resist this menace of Bolshevism. China used the Communists for their own ends but have found that they have destroyed a good deal of their country and that they had to destroy very many lives to check the movement ; and even to-day the movement has not stopped. The same may happen in India and I think will happen unless we take the necessary steps to remove those whose sole idea is to create unrest and to destroy the existing structure in order to build a new world out of the ruins.

There is only one point and that is one made by Sir Purshotamdas Thakurdas with which I am in sympathy. He said that the European British Communists are only a portion of the menace. You have already Indian Communists in India. He asked what Government was going to do with them. That is a reasonable argument. Don't deal with it half-heartedly ; deal with the whole of it ; and I would like very much to know what Government are proposing to do with the Indian section of Communists. But because Government are not bringing their detailed scheme of that portion in front of us, it appears to me no reason why we should turn down the half that is there which is not oppressive. It will go a long way to save India from very real trouble in the future. If these men come here from England let us tell them to go and conduct their propaganda in countries where it is more acceptable and let us then deal with Indian Communists inside India.

I therefore trust, now that adequate safeguards have been added to the Bill, that the House will accept the Bill.

(Some Honourable Members moved that the question be put.)

Mr. Anwar-ul-Azim (Chittagong Division : Muhammadan Rural) : Sir, I confess that it is not possible for me at this late stage to reply seriatim to the speeches of my Honourable friends opposite ; and I feel, Sir, however right and logical they might appear to me from a certain standpoint they perhaps will not fit in with the ideas and ideals of my friends, and as such I shall not quarrel with them on that account. It seems to me, Sir, that what has been troubling my friends opposite is sheer *zid*. I personally have great respect for many gentlemen sitting on the opposite side and I feel at times that they must have some soft corner for the good of their country in their heart. The Honourable the Leader of the Swaraj Party opined that they are fighting this Bill on principle. But the Honourable Pandit very conveniently forgets that when the question of "Moslem and other minority representation" comes in, his principles fly out by the back-door. He is not fighting for any principle but for paving the way for revolution in this country with "outside" help. I am certain any responsible Government will take notice of this threat. He at times behaves like a child, and we feel absolutely bewildered at it. Perhaps this might be due to my young age that I feel so. I find him talking like a child on very vital and important matters at times.

[Mr. Anwar-ul-Azim.]

Some of us who have followed the debates here calmly and dispassionately feel that the passage of this Bill by the Legislative Assembly will not in any way injure our prestige or complicate our relations with anybody in this world. An Honourable gentleman on the opposite side has just said that if we stop this sort of hospitality by legislation, perhaps our friendly relations with others in this world might be jeopardised. Of course I am not a believer in that kind of thing. If, as you say, Sir, that we are the inheritors of great traditions, if the time comes, perhaps as the result of peaceful evolution, we shall be able to come to our own. But to bring arguments in a childish manner as is being done by some of our friends opposite passes my comprehension, and my respect for them diminishes in that proportion.

Mr. Duraiswamy Aiyangar calls this measure a very repressive one. Whom does it repress ? I do not know what love, what ideas he has of other places beyond the frontiers of India. I am certain he has not taken the trouble, on account of his caste prejudice, to cross the *kala pani*. If he had an idea of the things prevailing after the European war all over the Continent of Europe and other parts of Asia he would not have called this measure repressive. Pray may I ask him, whom does it affect ? Here we have been listening *ad nauseam* to the speeches on this Bill, which provides that it will stop the coming into this country of people who are not the inhabitants of this land and are hostile to its peaceful evolution. Evidently the Government of India have in their possession information which they, for reasons of State, cannot bring forward for the public gaze—cogent reasons which have caused them to bring in a measure of this nature.

Mr. Srinivasa Iyengar has very great objection with regard to clause 8, or some other clause, in which the offender has the privilege of being tried before three Sessions Judges, and later on on questions of law and fact before the High Court. Of course I do not know if he, as an eminent lawyer, had taken this plea before a trying court, what would have been the result of it. He is of opinion that the District Judges are recruited by the Government of India and being a subordinate agency will not be in a position to give impartial verdicts on a question of this dimension. I would refer him to the " Lost Dominion " where the author opines that Indianisation of the higher services " have run mad " and as such politically minded Indian agitators should not fear for the decisions of political cases by them in the future.

One Honourable Member has called the Government timid. I think I agree with him there absolutely. To my mind these measures are overdue. (Ironical Cheers from the Opposition Benches). If this Bill had been on the Statute-book six or seven months before, I can assure you Sir, there would not have been any instance of the sabotage that is going on in Southern India and in my part of the country. Thousands have lost their lives, and Mr. Joshi brags that he had money from Moscow in connection with these labour troubles. Sir, certainly any sensible man would blame the Government of India on this score. It does not pay, Sir, to have hunger and strikes at one and the same time.

Mr. Kelkar in the last part of his speech said that it will violate the canons of Indian hospitality if some of the undesirable foreigners are kept

off from their mischievous activities in this country. Of course, as one who has seen a little bit of this world, I can assure you, Sir, that really Mr. Kelkar did not have that idea in his mind at all. On the whole what seems to me is this, that my Honourable friends have not got the courage of their convictions to stand on their feet and say we defy you. It is simply camouflage all round. They bring in all sorts of absurdities by way of arguments which would carry no conviction to any unbiassed mind. They have no courage to say that they can do without the British.

Mr. Jamnadas M. Mehta : Do not teach courage to these Benches ; learn it yourself.

Mr. Anwar-ul-Azim : The Honourable gentleman, Mr. Kelkar, tried his best to give us a nice picture of that demon which is known as Communism. Though it is a nice picture, it will not deceive anybody in the House ; perhaps it has deceived Mr. Kelkar himself. We here, fortunately or unfortunately, have got to live. If most illogically and in season and out of season you go on quarrelling with the Government established by law, I do not know what will be our position in the years to come.

Some gentlemen have also questioned the necessity of this Bill in the public interest. They do not know even from their own standpoint what the public interest is. May I not ask the Opposition whether it is not the duty of a Government to see that life and property are saved, to see that property is not looted and burnt and that there is no danger to life.

Mr. Jamnadas M. Mehta : Can property be legally burnt and lives taken away ?

Mr. Anwar-ul-Azim : If this is the mentality which my Honourable friends opposite are obsessed with and if they continue in this obsession, then this country of ours will go to rack and ruin, and I wish them luck.

Mr. Jamnadas M. Mehta : I move that the question be now put.

Mr. President : I had allowed Honourable Members to discuss this Bill for four days on the motion for reference to the Select Committee and the House has discussed this motion for the whole day. It is time now that the House should come to a decision. The question is :

" That the question be now put."

The motion was adopted.

The Honourable Mr. J. Crerar : Mr. President, as you, Sir, pointed out, the debate has already been very prolonged and at this stage it is not my intention to prolong it further to a very considerable extent. I have a very few observations to make, which before the House proceeds to vote, I would ask it to take into very grave consideration.

It appears to me that the criticisms which have been made upon the motion which I moved to-day fall, broadly speaking, into two categories. First of all there is the category of criticisms which, in my humble judgment, is unwilling to face the facts. The other category of criticism is that which attacks the Bill because it is not what it does not purport to be. With regard to the first of these two categories of objections I have the following observations to make. The Honourable and learned gentleman from Madras alleged that the Bill had the effect of penalising ideas

[Mr. J. Crerar.]

and ideals which are perfectly legitimate. Well, Sir, in the first instance, I have to point out that the Bill does not penalise ideas or ideals at all. There are certain ideas underlying the activities defined in clause 2 of the Bill. There are no doubt ideas underlying those movements and those activities ; but if the definition which is attached to each of these clauses is carefully considered I venture to say there is no Honourable Member in the House who can return a fair verdict that those ideas are legitimate. Moreover, what the Bill is intended to check is not mere propagation of doctrines but also the attempt to put them into active operation. It is idle to say, as I think was the burden of Mr. Kelkar's argument, that Communism is all a matter of theory. On the contrary it has been over and over again avowed by its advocates that it sets out on perfectly definite lines to produce perfectly definite results commonly expressed in the phrase : " The destruction of the bourgeois State and the dictatorship of the Proletariat ". Those, Sir, are perfectly definite designs. They are accompanied by perfectly definite activities and they are intended to arrive at a perfectly definite end which is by no means compatible with the rosy views expressed by some of the Honourable Members opposite.

Now, Sir, as regards the nature of the measure itself I have been criticised on the ground that I represent that this simple and restrictive measure is going to have consequences out of all proportion to its provisions, that this simple and restricted measure is going to be a complete panacea for all the dangers which I pointed out at greater length in my opening speech. It is not intended to be a panacea. It sets out to deal with a certain limited aspect of the question. That aspect of the question is one of immediate and pressing importance. It has been objected to the Bill that it does not set out a regular judicial procedure. As I have already pointed out, and as has been pointed out by several Honourable Members who have spoken very ably in support of my motion, the Bill relates quite definitely, quite avowedly, to a form of executive action and although the Select Committee imported certain safeguards against the summary or misguided exercise of those powers, the Bill in its essence is a measure giving the Executive Government certain executive powers ; and the criticism that it does not follow all the regular methods of judicial procedure really is an entirely irrelevant criticism.

Sir, I will not detain the House any further. I ask all Honourable Members to look at this question in a strictly and severely practical spirit. I ask them to weigh the arguments and evidence I have laid before them to prove the existence of a state of affairs which is dangerous in itself and which contains even graver potentialities for the future. That part of my position, I submit, has not really been effectively controverted. Nor indeed do I consider that the criticism which, as I said, has been to a large extent irrelevant, is such as to disturb the views which the Government after the greatest deliberation have ventured to lay before the House in regard to the nature of the powers which are essential to deal with the position. I ask Honourable Members to give the greatest weight to those practical considerations and to vote for the motion which I have moved.

Mr. President : The question is :

" That the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India, as reported by the Select Committee, be taken into consideration."

The Assembly divided :

(After the division papers had been handed in to the Secretary of the Assembly and while they were being scrutinised by him, Sir James Simpson came into the Chamber through the ante-door behind the President's Chair and approached the Secretary's table.)

Mr. President : It is very wrong for the Honourable Member to come into this Chamber in this way. I think the Government should see to this. It is entirely wrong for Honourable Members to come through another door after the lobby doors have been closed.

AYES—61.

Abdul Aziz, Khan Bahadur Mian.
Abdul Qaiyum, Nawab Sir Sahibzada.
Ahmad, Khan Bahadur Nasir-ud-din.
Ahmed, Mr. K.
Alexander, Mr. William.
Anwar-ul-Azim, Mr.
Ashrafuddin Ahmed, Khan Bahadur Nawabzada Saiyid.
Bajpai, Mr. G. S.
Bharucha, Mr. S. M.
Bhuto, Mr. W. W. Illahibaksh.
Bower, Mr. E. H. M.
Bray, Sir Denys.
Chalmers, Mr. T. A.
Chatterjee, The Revd. J. C.
Coatman, Mr. J.
Cocke, Mr. H. G.
Crawford, Colonel J. D.
Crerar, The Honourable Mr. J.
Dakhan, Mr. W. M. P. Ghulam Kadir Khan.
Dalal, Sardar Sir Bomanji.
Gavin-Jones, Mr. T.
Ghazanfar Ali Khan, Mr.
Ghuznavi, Mr. A. H.
Gidney, Lieut.-Colonel H. A. J.
Gour, Sir Hari Singh.
Graham, Mr. L.
Hezlett, Mr. J.
Hira Singh, Brar, Sardar Bahadur, Honorary Captain.
Hyder, Dr. L. K.
Ismail Khan, Mr.
Jowahir Singh, Sardar Bahadur Sardar.
King, Mr. C. M.
McWatters, The Honourable Mr. A. C.
Mitra, The Honourable Sir Bhupendra Nath.
Muhammad Nawaz Khan, Sardar.
Mukherjee, Mr. S. C.
Parsons, Mr. A. A. L.
Rafique, Mr. Muhammad.
Raghavayya Pantulu Garu, Diwan Bahadur T.
Rahimtulla, Mr. Fazal Ibrahim.
Rainy, The Honourable Sir George.
Rajah, Rao Bahadur M. C.
Rau, Mr. H. Shankar.
Rogers, Mr. P. G.
Roy, Mr. K. C.
Roy, Mr. S. N.
Roy, Rai Bahadur Tarit Bhusan.
Sassoon, Sir Victor.
Shah Nawaz, Mian Mohammad.
Shamaldhari Lall, Mr.
Shillidy, Mr. J. A.
Singh, Rai Bahadur S. N.
Singh, Raja Raghunandan Prasad.
Stewart, Mr. J. A.
Suhrawardy, Dr. A.
Sykes, Mr. E. F.
Webb, Mr. M.
Yakub, Maulvi Muhammad.
Yamin Khan, Mr. Muhammad.
Young, Mr. G. M.
Zulfiqar Ali Khan, Nawab Sir.

NOES—61.

Abdul Matin Chaudhury, Maulvi.	Malaviya, Pandit Madan Mohan.
Aiyangar, Mr. C. Duraiswamy.	Mehta, Mr. Jamnadas M.
Aney, Mr. M. S.	Misra, Mr. Dwarka Prasad.
Ayyangar, Mr. K. V. Rangaswami.	Mitra, Mr. Satyendra Chandra.
Ayyangar, Mr. M. S. Sesha.	Moonje, Dr. B. S.
Belvi, Mr. D. V.	Mukhtar Singh, Mr.
Bhargava, Pandit Thakur Das.	Munshi, Mr. J. K.
Birla, Mr. Ghanshyam Das.	Murtuza Saheb Bahadur, Maulvi Saiyyid.
Chetty, Mr. R. K. Shanmukham.	Naidu, Mr. B. P.
Chunder, Mr. Nirmal Chunder.	Nehru, Pandit Motilal.
Das, Mr. B.	Neogy, Mr. K. C.
Das, Pandit Nilakantha.	Pandya, Mr. Vidya Sagar.
Dutt, Mr. Amar Nath.	Prakasam, Mr. T.
Dutta, Mr. Srish Chandra.	Purshotamdas Thakurdas, Sir.
Farookhi, Mr. Abdul Latif Saheb.	Ranga Iyer, Mr. C. S.
Gulab Singh, Sardar.	Rao, Mr. G. Sarvotham.
Haji, Mr. Sarabhai Nemchand.	Roy, Mr. Bhabendra Chandra.
Iswar Saran, Munshi.	Sarda Rai Sahib Harbilas.
Iyengar, Mr. A. Rangaswami.	Shafee, Maulvi Mohammad.
Iyengar, Mr. S. Srinivasa.	Shervani, Mr. T. A. K.
Jayakar, Mr. M. R.	Siddiqi, Mr. Abdul Qadir.
Jogiah, Mr. Varahagiri Venkata.	Singh, Kumar Rananjaya.
Joshi, Mr. N. M.	Singh, Mr. Gaya Prasad.
Kartar Singh, Sardar.	Singh, Mr. Narayan Prasad.
Kelkar, Mr. N. C.	Singh, Mr. Ram Narayan.
Kidwai, Mr. Rafi Ahmad.	Sinha, Kumar Ganganand.
Kunzru, Pandit Hirday Nath.	Sinha, Mr. Rajivaranjan Prasad.
Lahiri Chaudhury, Mr. Dhirendra Kanta.	Sinha, Mr. Siddheswar.
Lajpat Rai, Lala.	Tirloki Nath, Lala.
Lalchand Navalrai, Mr.	Tok Kyi, U.
	Yusuf Imam, Mr.

Mr. President : There is an equality of votes : 61 against 61. My n opinion is that, if any Party or any individual Member seeks to put ch an extraordinary measure on the Statute-book, he must persuade e House and get a majority in his own favour. The Honourable the Home ember has failed to secure a clear majority in his favour and cannot pect the Chair to give its casting vote in favour of the motion. I there- re give my casting vote for the " Noes " and declare :

AYES—61.

NOES—62.

The motion was negatived.

The Assembly then adjourned till Eleven of the Clock on Tuesday, the th September, 1928.

LEGISLATIVE ASSEMBLY.

Tuesday, 25th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

QUESTIONS AND ANSWERS.

†924* to 926*.

DISCHARGE OF BABU BANKIM CHANDRA MUKERJEE, A CLERK IN THE DISTRICT LOCO SUPERINTENDENT'S OFFICE, EASTERN BENGAL RAILWAY, DACCA.

927. ***Mr. N. M. Joshi :** (*a*) Will Government be pleased to state the reasons for the discharge of Babu Bankim Chandra Mukerjee, a clerk in the District Loco. Superintendent's Office, Eastern Bengal Railway, Dacca ?

(*b*) Is it a fact that Babu Bankim Chandra Mukerjee was paid after his discharge full retiring gratuity as well as full provident fund money with interest and bonus ?

(*c*) Is it a fact that Babu Bankim Chandra Mukerjee rendered a total service of 20 years 4 months and 23 days ?

(*d*) Is it a fact that the District Loco. Superintendent, Dacca, while writing to the Loco. Superintendent, Kanchrapara, for granting retiring gratuity to Babu Bankim Chandra Mukerjee certified that his service was good, efficient, faithful and continuous ?

(*e*) Is it a fact that the following remarks were given by the District Loco. Superintendent, Dacca, and countersigned by the Loco. and Carriage Superintendent, Kanchrapara, in the service certificate No. 54 which was granted to Babu Bankim Chandra Mukerjee after his discharge :

" Effieiency—Fair,

General Conduct—Good. "?

(*f*) Is it a fact that Babu Bankim Chandra Mukerjee's request for communicating to him the charges and faults for which he was so dealt with was not granted by the railway authorities ?

(*g*) Is it a fact that Babu Bankim Chandra Mukerjee submitted an appeal against the alleged injustice done to him to the Railway Board through the Agent, Eastern Bengal Railway, and that this appeal was withheld ? If so, why ?

(*h*) Will Government kindly state whether they propose to reinstate Babu Bankim Chandra Mukerjee ? If not, why not ?

Mr. A. A. L. Parsons : Government have no information beyond that contained in the appeals submitted to them direct by Babu Bankim

†For these questions, see at the end of the list of starred questions for the day.

Chandra Mukerjee. They regret that they are not prepared to make enquiries into this matter which is within the competence of the Agent. If it is correct that the gentleman named was discharged under the terms of his agreement, no appeal lay to the Railway Board.

†928*-929*.

QUESTIONS NOT PUT AT THE MEETING, OWING TO THE ABSENCE OF THE QUESTIONER, WITH ANSWERS TO THE SAME.

HOLIDAYS, LEAVE, ETC., OF THE PIECE-WORKERS OF THE GOVERNMENT OF INDIA PRESS AT CALCUTTA.

924. ***Mr. Satyendra Chandra Mitra** : (*a*) Have the Government arrived at any final decision in regard to questions of holidays, leave, etc., of the piece-workers of the Government of India Press at Calcutta ? If so, what is that decision ?

(*b*) Is it a fact that the binders in the Government of India Press, Simla, are salaried hands, whereas their brethren in the Government of India Presses, Calcutta and Delhi, work on the piece-rate system ?

(*c*) If the reply to (*b*) is in the affirmative, will the Honourable Member be pleased to state the reasons therefor ?

(*d*) Is it a fact that in the Simla Monotype Press the compositors are salaried hands ? If so, what is the reason for maintaining the Calcutta section still on the piece-rate system ?

The Honourable Mr. A. C. McWatters : (*a*) Yes. The orders regarding the grant of leave to piece-workers are contained in the Finance Department Resolution No. F.-119-R.I./28, dated the 6th September 1928, which was published in the Gazette of India of the 8th September. A copy of the orders regarding holidays in the Government of India Presses is being forwarded to the Honourable Member for his information.

(*b*) and (*c*). Binders in the Government of India Presses at Simla and Delhi are salaried hands, whereas the binders in the Calcutta Press are paid at piece-rates. The difference in the system of payment is due to the fact that the nature of the work in the two former Presses does not admit of payment at piece-rates.

(*d*) The Simla Monotype Press has been merged in the Government of India Press, Simla. The compositors in the Simla Press are salaried hands and are employed chiefly on correction work though they are also, if necessary, required to do hand composition. In Calcutta, the hand composition is the main work of the compositor in the hand composing section.

NUMBER OF ROYAL ENGINEER OFFICERS EMPLOYED ON THE NORTH WESTERN RAILWAY.

925. ***Mr. C. S. Ranga Iyer** : (*a*) Will Government please give the number of Royal Engineer officers employed on the North Western Railway ?

(*b*) Is it not a fact that these Royal Engineer officers are meant for employment on the frontier or for active duty ?

†For these questions, see at the end of the list of starred questions for the day.

(*c*) Will Government please state how many of these Royal Engineer officers are employed at the Head Office and how many on frontier duty ?

(*d*) Is it a fact that the Royal Engineer officers predominate in the Head Office ?

Mr. A. A. L. Parsons : (*a*) 18.

(*b*) No.

(*c*) There are 5 Royal Engineer officers at the headquarters of the Railway and 4 on the frontier.

(*d*) No.

EMPLOYMENT OF ROYAL ENGINEER OFFICERS ON THE NORTH WESTERN RAILWAY.

926. ***Mr. C. S. Ranga Iyer** : (*a*) Is it a fact that all the important posts on the North-Western Railway, such as, the Agent, Chief Operating Superintendent, Chief Engineer, Deputy Chief Engineer, Statistical Officer, etc., in the Head Office are filled by Royal Engineer officers ?

(*b*) Will Government please state whether non-Royal Engineer officers were available for these and other posts occupied by Royal Engineer officers at the Head Office ?

Mr. A. A. L. Parsons : (*a*) The posts mentioned by the Honourable Member happen at present to be filled by Royal Engineer Officers.

(*b*) These are selection posts and the most suitable officers are appointed to fill them, irrespective of whether they belong to the Corps of Royal Engineers or not.

NUMBER OF APPLICATIONS RECEIVED FROM STUDENTS IN AJMER-MERWARA DURING THE LAST THREE YEARS FOR SCHOLARSHIPS TO STUDY AGRICULTURE, MINING, ENGINEERING, ETC.

928. ***Rai Sahib Harbilas Sarda** : (*a*) Will Government be pleased to state the number of applications which were received in the office of the Superintendent of Education, Ajmer-Merwara, from students in Ajmer-Merwara, during the last three years for the grant of scholarships to study Agriculture, Mining, Engineering, etc., the number in which replies were sent from that office and the number in which no replies were sent in spite of reminders ?

(*b*) Is it a fact that in some cases the students who applied for scholarships have either completed their education or joined the institutions for attending which they applied for scholarships and no replies have yet been sent to them ?

(*c*) Is it a fact that the Superintendent of Education, Ajmer-Merwara, acted as the Adviser of that province for students going to England during the absence on leave of the permanent Adviser ? Is it a fact that no replies were sent from his office to students who asked for advice this year, and one of the students has actually left for England and the advice which he sought did not reach him till the day of his embarkation from Bombay ? If so, do Government propose to make proper arrangements to give necessary advice to the students promptly ?

Mr. G. S. Bajpai : Enquiries have been made and the information will be supplied to the Honourable Member later.

PERMANENT LOCATION OF THE HEADQUARTERS OF THE INDIAN STORES DEPARTMENT.

929. *Mr. Satyendra Chandra Mitra : (a) Will Government please state whether any decision has been arrived at regarding the permanent location of the headquarters of the Indian Stores Department ? If so, where is it proposed to be ? If no decision has yet been arrived at, when is the question likely to be settled ?

(b) Is it a fact that the Indian Stores Department will move to Simla next year ? If so, will Government please state why it is found necessary for this Department to move between Simla and Delhi and what is the extra expense involved in such moves ?

(c) Do Government propose to fix the headquarters of the Indian Stores Department at a place of commercial importance like Calcutta or Bombay ?

(i) Is it a fact that the Audit Office of the Indian Stores Department has been located at Delhi while the Indian Stores Department is likely to continue its move between Simla and Delhi ?

(ii) Is it a fact that the Stores Purchase Committee strongly recommended that the Indian Stores Department and its Audit Office should work side by side ? If so, do Government propose to keep the Indian Stores Department also in Delhi, pending the final decision on the question of the location of its permanent headquarters ?

The Honourable Mr. A. C. McWatters : (a) No. I am unable to say definitely when the question will be settled.

(b) Yes, for reasons of administrative convenience. The direct saving on travelling allowances, Delhi Camp allowances, the carriage of records and rent in Simla would probably be in the neighbourhood of Rs. 70,000 annually, and Government would receive some additional rent in Delhi. But there would be additional expenditure in some other directions and it is not possible to give an exact figure.

(c) In deciding the question of the permanent location of the Indian Stores Department, the relative merits of places of commercial importance will be taken into consideration.

(i) It has been decided to locate the office of the Audit Officer, Indian Stores Department, permanently at Delhi. As stated in reply to part (a), the question of the permanent location of the Indian Stores Department has not yet been decided.

(ii) The Stores Purchase Committee contemplated the establishment of an "Accounts section" as an integral part of the Headquarters' establishment of the Indian Stores Department. The Government of India, however, decided that there should be a separate organisation for the accounting and auditing of receipts and expenditure of the Department under the control of the Auditor General. The same office acts as the Audit Office of the Northern India Salt Revenue Department which is located at Delhi. The reply to the latter part of this question is in the negative.

APOLOGY TO THE CHAIR AND THE HOUSE BY SIR JAMES SIMPSON.

Sir James Simpson (Associated Chambers of Commerce : Nominated Non-Official) : Sir, I should like, with your permission, to say a word in personal explanation of the episode of yesterday. As the House is aware, I am a new Member not fully conversant with its etiquette and rules, and I have since learnt that it is a serious breach of Parliamentary etiquette to enter the Chamber through the ante-door behind the President's Chair after the division is called and the lobby doors are closed. I express my sincere regrets and apology to the Chair and the House, and I trust that the Chair will accept this apology.

Mr. M. Webb (Bombay : Nominated Official) : Sir, on a point of personal explanation in connection with the same incident of which my Honourable friend, Sir James Simpson, has spoken. I understand that it is being stated, or that a rumour is going round that I opened the ante-door behind the President's Chair for Sir James Simpson. I should like to say that it is absolutely incorrect. When Sir James Simpson entered the House I was in my seat. Another point that I wish to submit is that in asking Sir James Simpson to vote I made a mistake. I was thinking of a previous incident, and as the results of the division had not been announced, I asked Sir James Simpson to vote. I did not realise at the moment, though I realised it two or three moments afterwards, that the situation was different. Sir James Simpson had not been in the House when the vote was being recorded, and as soon as I realised that, I asked him not to vote and referred the matter to you, Sir, who perfectly correctly decided that Sir James Simpson was not entitled to vote. I am quite sure that my Honourable friends on the other side know me well enough to know that in trying to collect votes for this side I desire to use none but the cleanest methods, and I hope, Sir, that you will be satisfied with this explanation of mine.

The Honourable Mr. J. Crerar (Leader of the House) : I should like on behalf of Government to express regret at the incidents which occurred yesterday evening and which are not less deplored, I am sure, by the Honourable Members concerned than by anybody else.

Mr. President : This Session, somehow or other, is full of series of deplorable incidents. I fully sympathise with the Honourable Member from Madras. Not only must he be feeling because he was unable to vote, but also he incurred the displeasure of the Chair and the House. But considering that the Honourable Member is quite new to this House, and, as he says, is not fully conversant with the Parliamentary etiquette and rules, I hope the House will allow me to accept the apology that he has given. I cannot help feeling that the Honourable Member's position is really such that every one in this House must sympathise with. He came to me this morning and told me that he was very, very sorry that he entered by the ante-door after the lobby doors were closed, and I hope Honourable Members will say nothing more about the incident. (Applause.)

Sir James Simpson : Thank you, Sir.

PRESENTATION OF THE REPORTS OF THREE COMMITTEES ON PETITIONS.

Mr. Deputy President (Maulvi Muhammad Yakub) : Sir, I beg to present the Reports of three Committees on Petitions relating to the following Bills. The first Report relates to petitions on the Bill to regulate and improve the Law Reports. These petitions are in opposition to the Bill and are in conformity with the Standing Orders, and they have been directed to be published *in extenso* as a paper to the Bill. The second Report relates to a petition on the Transfer of Property Act. This petition is not in the form prescribed in Schedule II to the Standing Orders, and we are of opinion that there is no necessity to circulate this petition as a paper to the Bill. The third Report relates to petitions on the Child Marriage Bill. They are 2,700 in number. They are not addressed to the Legislative Assembly nor are they in the form prescribed by the Standing Orders. We do not therefore direct that they should be circulated as papers to the Bill.

I present these three Reports.

ELECTION OF THE PANEL FOR THE STANDING COMMITTEE FOR THE DEPARTMENT OF COMMERCE.

Mr. President : The Assembly will now proceed to elect a panel of nine members from which the members of the Standing Committee to advise on subjects in the Department of Commerce will be nominated. There are eleven candidates whose names are printed on the ballot paper which will now be supplied to Honourable Members in the order in which I call them.

(The ballot was then taken.)

ELECTION OF A COMMITTEE TO REVIEW THE SEPARATION OF RAILWAY FINANCES FROM GENERAL FINANCES.

Mr. President : The House will now proceed to elect sixteen members to serve with the Honourable the Finance Member as a Committee to review the separation of railway finances from the general finances. There were 25 candidates whose names are printed on the ballot paper which will now be supplied to Honourable Members in the order in which I call them. Sardar Gulab Singh has withdrawn his name and there are now 24 candidates left.

(The ballot was then taken.)

Mr. President : Order, order. I take it that no Honourable Member who desires to vote has been left out.

THE INDIAN PATENTS AND DESIGNS (AMENDMENT) BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I beg to move that the Bill further to amend the Indian Patents and Designs Act, 1911, for certain purposes, be circulated for the purpose of eliciting opinions thereon.

I need only say a very few words in connection with this motion. The Bill represents a complete revision of the Indian patents law based to a large extent upon revisions of the English law undertaken in 1917 and on the recommendations of the British Empire Patents Conference of 1922. We have not, however, in all cases followed the English law. We have adopted the general principle of following that law wherever we thought it suitable and applicable to British India. In other cases, where suitable, the provisions of our existing law have been retained. The Bill contains a number of matters of considerable importance in principle, such as the extension of the period of patents from 14 to 16 years and the introduction of the new procedure called " patents of addition " and various matters of that kind. It also contains a large amount of detail, and, as the matter intimately concerns the public, it is clearly necessary that the Bill should be circulated.

Sir, I move.

The motion was adopted.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

The Honourable Mr. J. Crerar (Home Member) : I very much regret, Mr. President, that Sir Denys Bray is still ill, and the motion standing in his name will not therefore be moved.

Mr. President : What do the Government propose to do with regard to the Bill ? What are the intentions of Government ?

The Honourable Mr. J. Crerar : The intentions of the Government are that the Bill should stand over for the next Session.

THE INDIAN SUCCESSION (SECOND AMENDMENT) BILL.

Mr. J. A. Shillidy (Home Department : Nominated Official) : Sir, I move that the amendment made by the Council of State in the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration.

The first clause of the Bill as passed by this House was " This Act may be called the Indian Succession (Amendment) Act." The Council of State have inserted the word " Second " before the word " Amendment ", and I think the amendment may be accepted by the House.

Mr. President : The question is :

" That the amendment made by the Council of State in the Bill further to amend the Indian Succession Act, 1925, for a certain purpose, be taken into consideration."

The motion was adopted.

Mr. President : The question is :

" That the following amendment made by the Council of State be passed :

' In clause 1, for the brackets and word ' (Amendment) ' the brackets and words ' (Second Amendment) ' were substituted '."

The motion was adopted.

DEMAND FOR SUPPLEMENTARY GRANT (RAILWAYS).

AUDIT.

Mr. President : The House will now resume further consideration of the following motion moved by Mr. Parsons on the 21st September 1928 :

"That a supplementary sum not exceeding Rs. 12,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of 'Audit'."

Mr. K. C. Neogy (Dacca Division : Non-Muhammadan Rural) : Sir, on the last occasion I pointed out that it was not quite fair on the part of the Government to have brought up this important question at the fag end of a Session, and I was promptly corrected by my Honourable friend Mr. Cocke saying that we had yet a few days more, and I must congratulate Government on their sense of humour in having placed this motion about the end of to-day's agenda.

Sir, I was dealing with the Auditor General's opinion on the last occasion with regard to the question of the inherent merits of separation. It will be remembered that the Auditor General was not quite prepared to accept the merits of the new system as compared with the system that obtains on the State Railways until and unless it had been given a trial on the State Railways. Now, Sir, so far as the question of experiment goes, I am ready to concede that it has proved a success with regard to the East Indian Railway, but that does not certainly establish the case of the Government, because it is not merely that the Government want to continue this new system on the East Indian Railway on the strength of the successful experiment, but they want this new system to be extended to the other lines also where the old combined system obtains.

I am aware of the fact that both the Acworth Committee and Sir Arthur Dickinson recommended the adoption of this new system all over the Railways in India, but I may remind the House that when three years back we agreed to this experiment being made on the East Indian Railway, Government themselves laid very great stress on the results that might be obtained from this experiment. They did not lay so much stress on the recommendation either of the Acworth Committee or Sir Arthur Dickinson on that occasion. I will just read out one or two sentences from the speech which was delivered on that occasion by Sir Basil Blackett. This is what he said :

"We are not finally committing ourselves at the present moment to separation of accounts from audit. I have been very anxious in this matter that we should proceed by experiment, because there is a great deal to be learnt by experiment before we can arrive at definite conclusions."

But unfortunately that experiment was confined to a line where the Company system of accounts obtained, with which there can be no comparison of the system that obtains on a State-managed railway.

Now let us turn to the claim which Government make about the improvements that have been effected on the East Indian Railway. We are told that under the new system there has been less of irregularities, less of arrears, and less of delays ; but you must not forget the circumstances in which this experiment was made, and the circumstances in which the State took over the management of the East Indian Railway. There was admittedly a laxity in the administration of this Railway towards the end of the contract period. The authorities of the East Indian Railway would have been more than human if they were quite as strict towards the end of their career as they were before. And it is not therefore surprising that there should have been this large volume of irregularities and arrears with which the new experimental system had to cope. Therefore, I say that it is not quite right to claim all the credit for this new system having made wonderful discoveries with regard to these irregularities and arrears, the very nature of which were of an abnormal character, having regard to the abnormal circumstances prevailing in the East Indian Railway when it was taken over by the State.

I will now turn to what Mr. Parsons himself thinks about these arrears and irregularities. If Honourable Members will turn to page 324 of Volume II of the Report of the Public Accounts Committee for 1925-26, they will find what he stated with reference to the large arrears which were brought to light under the new system :

"There were difficulties in the accounts office of the East Indian Railway, chiefly owing to the introduction of the divisional system and also to the amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway. That is the main reason I think for the large amount of arrears to which the Auditor General called attention."

So far as the arrears are concerned, Mr. Parsons is at one with me in saying that they were not inherent in the system that was in vogue on the East Indian Railway, but that they were due to these factors which he himself has mentioned, and he cannot claim any special credit for the new system as having cleared up those arrears.

Now, Sir, reference has been made in my Honourable friend's note to the activities that have recently prevailed on the accounts side of this Railway which are described as being unparalleled in the previous system of railway accounts. In so far as it was an experiment on which the Government were very keen, and in so far as the very jobs of those men who were temporarily engaged in this work were dependent upon the result of the experiment, we can easily understand the reason of this unparalleled activity to a certain extent. But this unparalleled activity was also due to the arrears to which I have made reference. It therefore remains to be seen whether, if this system is made permanent, the same unparalleled activity will continue.

Reference has been made to the analogy of commercial practice in support of the separation of Accounts and Audit. On a previous occasion, while presenting the railway accounts, Sir Charles Innes compared the Members of this House to shareholders in a big concern, who owned the Indian Railways, and compared himself to the Director of that concern. Sir, one need not take any pains to point out the utter absence of any real comparison between a real commercial firm and the Railways in India. We who are compared to the shareholders of a big commercial undertaking have absolutely no voice or control in the management of railways. The Directors can very well defy the shareholders, and they have been defying us every day that we have been sitting in this House. Then again, supposing the Directors make a mistake which results in any loss to the shareholders, are they accountable to the shareholders at all ? They are not. Supposing this particular scheme miscarries, and something goes wrong, by the time that it is discovered my Honourable friend, Mr. Parsons, will perhaps be occupying a provincial gadi as His Excellency the Governor, or if the results of this scheme are not apparent by that time, he will perhaps have gone home to enjoy a well-earned rest

[Mr. K. C. Neogy.]

and pension. Nothing that we would be then able to do here would touch him or affect him in the least. Therefore, this commercial analogy is absolutely out of place.

Now, Sir, it is not unnatural, having regard to the circumstances in which Railways are administered in India, that the non-official public opinion attaches very great importance to the independence of the authorities who carry out the audit and accounting of these Railways. We exercise no control over the department, but we have this satisfaction that there is an officer who is independent of the administrative authorities of the Railways who keeps the accounts and carries on the audit simultaneously, and whose previous sanction is necessary before any expenditure can be incurred. Under the new scheme the status and powers of that officer are being reduced. I know my Honourable friend will reply by saying that the whole accounts staff is to be placed under him and not under the railway agent. Well, my Honourable friend has all along tried to draw a distinction between his capacity as Financial Commissioner and his capacity as a Member of the Railway Board. This, I maintain, is a distinction without a difference. The Honourable Member is absolutely identified with the railway policy of this country. He is the official apologist of the Railways in this House, and, like Louis XIV, he could rightly say "I am the Railway Board." That would be the correct description of my Honourable friend. Yet he says, "Oh, I am an independent authority, I have nothing to do with the Railway Board."

Now I turn to the estimates of the new scheme. It is claimed that this will result in very large economies, but the Auditor General seems to be rather sceptical about this. He says :

"I have not had the time to examine the figures."

Now, if we turn to page 46 of the memorandum supplied by my Honourable friend, we find that some of the items of savings shown there are very, very speculative. For instance, there is a lump reduction in establishment cost ; a lump sum is given as reduction in the rent, and for contingent charges so many lakhs are shown as reduction ; so many lakhs as reduction in establishment costs, this reduction being based on what has been shown as possible on the East Indian Railway. The Honourable Member has not given this House any definite figures with reference to the other Railways to which this system is proposed to be extended. The figures are absolutely speculative, and we are not expected to accept them as axiomatic. I should like to know from my Honourable friend, Mr. Parsons, as to what guarantees he is prepared to give us that these estimates will not be exceeded.

Mr. C. S. Ranga Iyer (Rohilkund and Kumaon Divisions : Non-Muhammadan Rural) : None whatever.

Mr. K. C. Neogy : My Honourable friend answers on behalf of Mr. Parsons and says, "none whatever." Looking through the various detailed estimates of the cost of officers and clerks that will be maintained under the new system, it seems to me that a deliberate attempt has been made to keep down the cost as much as possible, and the time may not be very distant when the Government will have to come up before this House for revision of the whole thing. I find that the scales of salary

proposed to be given for the subordinate establishment are not quite the same as are enjoyed now by the combined audit and account staff. I do not know whether I am correct in that statement. I see my Honourable friend nods assent. I think it is one of the claims of my Honourable friend that the efficiency of accounts will not suffer in the least by the adoption of the new method, and that persons of practically the same calibre who have been doing the work in the past will also continue to do it in future so far as the accounts side is concerned. How does my Honourable friend expect to have men of the same calibre for a salary which is admittedly on a lower scale ?

Sir, I have no desire to take up any more time of the House. In conclusion, I will say that I am perfectly willing to see this experiment tried on a State Railway where the combined system is at present in vogue, in order to be able to find out how far the comparative merits of the two systems will justify us in extending the separation scheme to all the State Railways. For instance, the system might be tried as an experiment on the Eastern Bengal Railway or the North Western Railway, and we might wait for three years more, when we would be in a better position to express our opinion in this matter. I submit, Sir, that there is no occasion for any great hurry in this matter. After all the Railways have survived the combined system of audit and accounts during all these years, and nothing very serious will happen if the present system is tried as an experiment on one more State Railway before it is extended to all the railway systems.

Mr. C. S. Ranga Iyer : Sir, the Honourable gentleman who has just concluded his speech is chiefly responsible for my intervention in this debate. I think, Sir, I owe the Honourable gentleman an apology for having stated that he talks through his hat. I said so because he indulged in the uncalled for animadversion that I was not reading and reading, I should say, I was not wasting my time pouring over the undigested and immature observations of an overwrought Member of the Public Accounts Committee. I thought I had much better things to do than pore over the sort of things that the Honourable gentleman has been indulging in when he had no better work to do. Fortunately this year the Honourable Member had some better work to do in Bengal, and therefore he had not performed his duty as a Member of the Public Accounts Committee.

Mr. K. C. Neogy : You had better work to do in England when you were absent last year.

Mr. C. S. Ranga Iyer : I was just then doing a book, (*An Honourable Member* "Father India "), and therefore I did not attend the Public Accounts Committee, and the Honourable gentleman who was accusing me of my not doing what he wanted me to do was only following my very good example and I must congratulate him on becoming a follower of mine once in a way (Laughter). As for the observations that he made that he never wore a hat in his life, I should not say that he was talking through his cap, for he was not wearing one at the time he was speaking. Should I have said that he was talking through the hair of his head or that he was talking through a hole in his head ? (Laughter.) It was most impertinent on the part of the Honourable Member to say that, if I had not gone through his observations, I had not studied the Auditor

[Mr. C. S. Ranga Iyer.]

General's remarks either, in regard to the separation of Audit and Accounts. Any one who is a Member of the Public Accounts Committee or who is a Member of this House who takes an intelligent interest in the proceedings of this House is expected to know the Auditor General's opinion. But the observations which the Honourable gentleman quoted I believe, Sir, are 18 months' stale. If the Honourable gentleman were a little more up to date, he would have read the recent observations of the Auditor General. (Hear, hear.) What has the Auditor General to say on this matter ? I would ask him to read page 23 of the Auditor General's minutes in regard to the separation of Audit and Accounts. The Auditor General says :

"I watched independently and through the activities of the Chief Auditor, East Indian Railway, and the Auditor of the Clearing Accounts House the working of the experimental system and before the receipt of the memorandum from the Financial Commissioner, Railways, had already come to the conclusion that the experiment had proved a success, (Hear, hear)

a fact which the Honourable gentleman denies :

"that the time had arrived for making it permanent and for extending it to all railway administrations."

The Honourable gentleman who quotes the Auditor General as his authority only wants that there should be delay and that there should be no hurry, and that the experiment should be still in its experimental stage when the experiment has actually succeeded, but I do not want the experimental stage to continue either in the economic, railway or political sphere. (Hear, hear.) (*An Honourable Member* : "You have not the capacity to understand this.") The Honourable gentleman says that I have not got "the capacity to understand this." I never thought that the Honourable gentleman had so much conceit, such overweening vanity.

Mr. K. C. Neogy : Nothing to match yours.

Mr. C. S. Ranga Iyer : Should I congratulate the Honourable Member on his colossal ignorance of things which ought to be done ! (Laughter.) I would now quote for the Honourable gentleman's benefit the Auditor General's observations of 7th August 1928, not 17th August 1926 which he quoted.

Mr. K. C. Neogy : It is 1927.

Mr. C. S. Ranga Iyer : Well, 1927. The Honourable gentleman corrects me and I stand corrected. I admit the Honourable gentleman is not two years behind but only one year out of date, whereas I want him to be up to date and I want him to read the latest observations of....

Mr. K. C Neogy : You refer to your own speech.

Mr. C. S. Ranga Iyer : I would ask the Honourable gentleman to read the observations of the 7th August 1928 of the Auditor General.

Mr. K C. Neogy : What about your own observations against the separation ?

Mr. C. S. Ranga Iyer : The Honourable gentleman asks, what about my own observations ? I am just coming to that. For his benefit, I would ask him to read paragraph 5 of the Auditor General's minutes, page 25,

in the memorandum which the Honourable gentleman on the other side (the Railway Commissioner) has submitted to us. It says :

"In the above circumstances,"

I need not read to this House all about the circumstances because I presume that the Honourable Members have read these circumstances :

"I feel no hesitation,"

it is the Auditor General who says so and not my authority :

"I feel no hesitation in recommending that the experiment of the separation of audit from accounts on the East Indian Railway be accepted as a success and that it be adopted as a permanent measure and extended to other railways."

(Hear. hear) I would therefore recommend to the Government to accept the authority of the Honourable gentleman's teacher and authority on these subjects and not the lesser and the amateurish authority on the matter. (Laughter.)

Mr. K. C. Neogy : What about your own observations ?

Mr. C. S Ranga Iyer : He is asking me what about my own observations. I am coming to that. When I met the Honourable gentleman some time before this debate a day or two ago, I invited him to my authority. (Laughter.) I told him he would be on a much better footing if he made the criticism that I was myself once against the separation of Audit and Accounts instead of saying that I had not read his undigested observations as a Member of the Public Accounts Committee. It was four or five years ago that I made the observation.

Mr. K. C. Neogy : Were you in the House five years ago ?

Mr. C. S. Ranga Iyer : Yes I was in the House. I made that observation five years ago outside this House and three years ago inside this House about the separation of Audit and Accounts. Like my Honourable friend when my education was a little less than it is to-day, I once believed that the separation of Audit and Accounts was not necessary, and my opposition was based more or less on the same identical grounds as the Honourable Member's. The Honourable Member's attitude is that of the "sweet girl of seventeen" of whom the poet speaks. I forget the exact lines, but when she was in her seventeenth year, she truly said she was "sweet seventeen"; in her thirtieth year also she said "I am sweet seventeen." When she was fair, fat and forty, she still said "I am sweet seventeen !" She was no doubt consistent and the Honourable gentleman is also very consistent. (Laughter.) But consistency, according to the dictum of a famous English politician, is the virtue of an ass. I do not think that the Honourable gentleman, because he is hugging the views which I held perhaps four or five years ago—I do not suppose that the Honourable gentleman, because he is so backward and so out of date—can be described as a supreme ass ! (Laughter.)

Mr. K. C Neogy : What has brought about your transformation ?

Mr. C. S. Ranga Iyer : The Honourable gentlemen is asking me what has brought about my transformation. My transformation has been brought about by the success of the experiment. (Hear, hear.) I am not, Sir, like the Honourable gentleman "a stick-in-the-mud." That is

[Mr. C. S. Ranga Iyer.]

a famous expression of Mr. Lloyd George. I admit. I am not like the Honourable gentleman, one of those very consistent people. Consistency, as Emerson said, is " the hobgoblin of little minds ". I would therefore ask the Honourable gentleman to approach the experiment with a large mind when he will understand it has succeeded not only in a Company-managed Railway but also on a State-managed Railway, and, as the experiment has succeeded, I would ask the Honourable the Member for Railways to apply it everywhere and anywhere he can. (Hear, hear.)

Mr. K. C. Neogy : Was the combined system in operation on that State Railway at any time ?

Mr. C. S. Ranga Iyer : I say in one sense the combined system is a successful system.

Mr. K. C. Neogy : The combined system is a successful system ?

Mr C. S. Ranga Iyer : No, I beg your pardon. I did not mean that.

Mr. K. C. Neogy : You are going beyond your depth.

Mr C. S. Ranga Iyer : When the Honourable gentleman talked of a combined system I was thinking of the combined system of Railways, namely, the combination of the Oudh and Rohilkhand Railway and the East Indian Railway, and I was not thinking of the technical expression of which he was thinking ; and in this combined railway system this particular measure which we are discussing has proved a success (Cheers).

I want that the Honourable gentleman should apply his knowledge of the Corporation of Calcutta also to Railway Administration. Sir, in the Corporation of Calcutta, if the Honourable gentleman has any information about it, he will know that audit is separated from accounts. In every commercial, in every important office, the two systems, the two offices, must be separated ; and ordinarily I would not have even cared to quote the Auditor General on a matter of this kind ; but I quoted the Auditor General only to show that the Honourable gentleman is very backward even in regard to his own authority. My own way however, is to look at the matter not from the point of view even of the Auditor General, but of a man who is neither an auditor nor an accountant but a man of common sense who wants to approach the subject from a purely common sense point of view. (Hear, hear.) If the Auditor General was at one time opposed to the system, I think he was perfectly justified in that opposition as the Head of a Department, because his own power and his own prestige were going to be impaired by this innovation. Again, I would ask the Honourable gentleman just to see how things are done in his own Calcutta Corporation. He may say that the Calcutta Corporation is under popular control, while the Railway Administration is not under the control of this House. Had he made that intelligent interruption I might have credited him with some intelligence ; but anyhow I will just answer that question. I hope I am not so pessimistic as some Honourable gentlemen here, and I do hope that the public will have control of the Railways, that this House will have control of the Railways sooner than many faint-hearted people on that side of the House imagine (pointing to the Nationalist benches) ; and therefore it is in that hope that I approve of an experiment which has succeeded and of trying that experiment on a wider and vaster scale ; not in the way the Honourable Member wanted it to be tried, that is to say, with great slowness, with great hesitation, with great trepidation but with courage and satisfaction that comes from a successful experiment because nothing succeeds like success. (Cheers.)

Maulvi Abdul Matin Chaudhury (Assam : Muhammadan) : I want to oppose this motion, Sir, not on its merits, but on entirely different grounds. My opposition is based on the well-known principle of grievances before supply. Of all Departments of Government, the Railway Department, and more particularly the Audit and Accounts section, is the worst offender in refusing appointments to Mussalmans. I would refuse to vote and also ask those who are interested in seeing that justice is done to Muhammadans, that they should refuse to vote any money to the Railway Department until they are assured that in future effective steps will be taken to remedy the present deplorable state of affairs. We would like, Sir, to have a very clear, definite and unambiguous assurance from the Government that of all the appointments which are going to be made under the separation scheme, at least one-third should be reserved for removing communal inequality so far as Mussalmans are concerned. I would particularly like to draw the attention of my friends of the Central Muslim Party to this matter. Sir, simply whining in the lobbies about Government's injustice to the Mussalmans and then obeying the official Whip in a most docile fashion will not advance the Muhammedan cause. I would ask my Honourable friends to throw out any scheme good, bad or indifferent that the Railway Department brings forward until we are assured of justice from the Railway Department. Similarly, I would also like to address one word to the Leader of the European group also. (*Sir Victor Sassoon* : " Why don't you join us ?") I am perfectly willing to join anybody who will undertake to throw out any scheme that the Railway Department.....

Mr. President : Order, order The Honourable Member is not at all relevant in referring to this particular question on this motion.

Maulvi Abdul Matin Chaudhury : Sir, am I not in order in giving reasons for my opposition to the motion ?

Mr. President : The Honourable Member must oppose the motion on merits.

Maulvi Abdul Matin Chaudhury : I am just giving the reasons why I oppose this grant. I am not prepared to go into the merits of the question at all, until I am assured that in future Muslim claims to railway appointments will not be ignored.

Mr. President : In that case the Honourable Member is not in order.

Mr. M. S. Sesha Ayyangar (Madura and Ramnad *cum* Tinnevelly : Non-Muhammadan Rural) : Sir, to be candid, I will say at the outset that I neither support the Demand nor oppose it. I do not support it because my grievance is that it is not quite in the form in which it ought to have come up before this House, and I do not oppose it because I am not wholly dissatisfied with the merits of the separation scheme. I submit, Sir, in the first place that this ought not to have been presented to the House in the shape of a Demand for an insignificant sum of Rs. 12,000. The details of it are given on page 86 of this memorandum. It is proposed under this Demand that sanction is to be obtained from the House for Rs. 12,000 supplementary for the purpose of putting into operation the separation scheme when the Burma Railways will have been taken up by State management. The amount is very small, but the passing of this motion by this House really involves the fact that the House will once for all be committed to the question of permanent separation of Accounts from Audit on all Railways. That is seen fully from what occurs on page 20

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of the memorandum. On page 20 a fuller scheme is detailed, of which the present scheme forms No. 2. It is proposed that the arrangements as detailed on page 20 will come into force when the House will have considered this question and passed the Demand and thereby committed themselves once for all to the permanent separation on all Railways of Accounts from Audit ; so that, this small item coming as it does as one of the four items detailed on page 20, I submit, ought not to have been presented to the House in the shape of a Supplementary Demand. If a Resolution had been tabled, as was done in 1925, when for the first time this experiment was thought of, it would have been more commendable ; and that for obvious reasons ; because I see on page 2 of the memorandum the full history of the scheme of 1925 is given. A Resolution was brought forward in the Assembly, and then after discussion of that Resolution, a Resolution was passed by the House in a modified form. Now, Sir, that presupposes that on a Resolution discussed in this House there was ample scope for Members of this House to suggest amendments to the original Resolution. But in the matter of this Demand that has been put before us now, we are not entitled to move amendments to this motion, so that the option that would otherwise lie with the House to move amendments to the Resolution is certainly lost by the presentation of this Demand. If on a previous occasion it was thought desirable to table a Resolution and accept amendments and modifications that were brought forward in this House, I do not see any reason why that straight course was deviated from in this particular instance now. That, Sir, is my first grievance.

My Honourable friend, Mr. Neogy, quoted two sentences from the observations of Sir Basil Blackett. I shall quote the next two sentences for an obvious purpose because it emphasises the point much more in detail than the first two sentences. I may first point out that when this separation scheme was originally started Sir Basil Blackett was not quite sure that it might eventually succeed, probably because he had seen apprehensions expressed ; that is why he spoke not in unqualified terms, but with this qualification :

" In this case this is also an experimental measure but the Resolution is brought forward because it does certainly commit the Government to go ahead with experiments in this particular direction and if successful "

it is a very big ' if '

" no doubt continuing in that direction."

In this connection, Sir, I find that my friend, Mr. Ranga Iyer, was a bit hard on my friend Mr. Neogy. He quoted for the elucidation of this House from paragraph 5 of the Auditor General's Report of the 7th August 1928. I would commend to the attention of my friend Mr. Ranga Iyer the observations of the Auditor General on the previous page—page 24. That is a distinct answer by the Auditor General to the details given in Annexure G of the Honourable the Financial Commissioner's letter where he detailed all the economies that he was able to effect and all the advantages which accrued from the working of the separation scheme. The Auditor General found it rather difficult to say that those advantages which accrued and the economies that were effected were solely attributable to the separation scheme. He says :

" The question then arises, how much the improvements, reforms and economies effected both by Accounts and by Audit may be said to be due to separation. This question seems to be both hypothetical and speculative, and it is extremely difficult, if not impossible, to answer it with any degree of accuracy."

Then, taking categorically the various improvements which the Financial Commissioner for Railways claims for the separation scheme, he observes as follows :

" Undoubtedly, the arrears could have been worked off without any separation of Audit from Accounts ; but possibly the closer association of accounts with the Administration under the separation scheme has enabled the former to obtain more readily from the executive information necessary to clear the arrears. Similarly, some of the other reforms, *e.g.*, the earlier knowledge of, and better control over, expenditure could have been effected under the Divisional Scheme, even with a combined Divisional Audit and Accounts Office..... Reforms in the Stores Accounts and in the system of purchases did not necessarily require the Accounts Office to be under the Financial Commissioner."

Therefore, Sir, the very broad claims which the Financial Commissioner for Railways has made as being the result of the separation scheme have been doubted by the Auditor General ; and it is not an unqualified support as my friend, Mr. Ranga Iyer, thinks that the Auditor General gave to this scheme. Lower down, in paragraph 7 of his Report, the Auditor General mentions certain suggestions by way of modifying the proposed separation scheme and he concludes by saying that, if the separation scheme came to be a matter of fact and approved by this House eventually, he would make certain proposals by way of modifying the existing system :

" The scheme of audit obtaining on the East Indian Railway thus modified has been accepted as adequate for the other Railways in working out the staff required for the audit of their transactions."

Then he concludes in paragraph 16 as follows :

" It is unnecessary for me to elaborate my view on the subject at the present moment because it is obviously not a matter which can be settled before a decision should be arrived at on this important question of separation. If separation of Audit and Accounts is accepted as the policy for the Railways, it will then be in existence at least with regard both to the Railway and to the Army and these two branches combined may be regarded as of sufficient importance to justify the introduction now of a model scale of pay which may eventually be suitable for an Indian Audit Service if complete separation be effected throughout India."

So, Sir, the support given by the Auditor General to the separation scheme was not unqualified ; he suggested certain modifications in the light of which alone he thought the separation would be a success.

In passing I would refer to Annexure G in which my Honourable friend, the Financial Commissioner for Railways gives the details of several economies effected under the separation scheme. The last three paragraphs, Annexure G, I submit, afford amusing reading. Paragraph 20 reads thus :

" The Chief Electrical Engineer proposed to transfer his office together with the Workshop Accounts Staff (Electrical) from Jamalpur to Calcutta on the ground that at Jamalpur he was not in contact with the Agent and Heads of Departments. The Chief Accounts Officer pointed out that the transfer was not a matter of necessity, as the greater part of the work of the Chief Electrical Engineer related to the Divisions and that he was within easy reach of Calcutta, should he require to consult the Agents or Heads of Departments. The transfer was negatived by the Agent and heavy expenditure which the proposed transfer to Calcutta would have involved was avoided."

Now, this, Sir, is an instance of avoidance of expenditure because of the vigilance of the Accounting officers concerned.

[Mr. M. S. Sesha Ayyangar.]

Then paragraph 21 relates to the proposed revision in scales of pay. This is how this paragraph reads :

" The Chief Operating Superintendent recommended that the scale of pay of the Train Examiner, Moghalsarai, should be altered from Rs. 300—20—400 to Rs. 500—25—550, stating that Moghalsarai was as important as Howrah."

The Chief Accounts Officer thought that that was not expedient, and the proposal of the Chief Operating Superintendent was accordingly not sanctioned, thus giving us a saving of about Rs. 1,800 per annum.

Then paragraph 22 relates to the proposed alteration in the scales of pay. That proposal again would have involved an expenditure of Rs. 2,500 per annum, and it has been avoided by the criticism offered by the Chief Accounts Officer.

Now, even if the claims made on behalf of the accounting staff that they are vigilant because of the pay they were receiving and if these also had to be detailed as part of the several advantages accruing from the separation scheme, I submit, as I said already, that these three items form only amusing reading. So that, my submission to the House is, that the objection is to the nature of the demand as it is made and that the Financial Commissioner did not prefer a Resolution to be tabled on this matter as was done previously. That he should have brought forward this matter in the shape of a Supplementary Demand is something which does not appeal to me, and I dare say it will not appeal to the House as a whole either. So far as the experiment is concerned, unless the matter is brought here in the shape of a Resolution, it is not possible to express our opinions on it as to the success or otherwise of the separation scheme, and if the Auditor General had so many reservations to be placed in his memorandum towards the adoption eventually of this scheme, I submit that through the making of this motion that this House should be committed to the broader and fuller separation scheme seems to be rather curious. As I said, for the reasons I have just stated I cannot make up my mind either to vote for or against the scheme.

Pandit Hirday Nath Kunzru (Agra Division : Non-Muhammadan Rural) : Sir, before the Financial Commissioner replies, I should like to ask for information on a definite point. One of the main questions that this Assembly must consider in regard to the separation of Railway Accounts and Audit is the manner in which the men for the Railway Accounts Service are to be recruited. Now, the Standing Finance Committee for Railways went into this matter at its last meeting, and decided that the rules for the organization of the Railway Accounts Service and for the recruitment and promotion of the subordinate establishment including that portion of it employed in the Clearing House Accounts Office and their terms and conditions of services should be considered by them at a later meeting before they were promulgated. I have no doubt that these rules will be placed before the Standing Finance Committee, but I should like to know what the Government propose to do in the meanwhile. Do they propose to postpone the appointment of men to the new service till the rules for recruitment have been approved by the Standing Finance Committee ? It may be that there are some men already in Government service who can be employed in the new Accounts Service, but it is possible that after the appointment of these surplus men there may still remain a number of vacancies. Now, will these vacancies be filled up before

the rules for the recruitment of the service have been framed, or will the appointments of new men be postponed till the rules have been approved by the Standing Finance Committee ? This, Sir, is an important point, and I believe on the proper reply to this question would depend the attitude of many of us in regard to the scheme placed before us by Government. The matter is one of considerable importance, as we know that the Accounts Service in the East Indian Railway has been manned in such a way as to cause considerable dissatisfaction. Now, the East Indian Railway was of course managed by a company and was taken over by Government only about three or four years ago, but Government themselves appointed a large number of men to the Account Service, and we want that the manner in which those men have been appointed should not be repeated this time. We have frequently had to point out that in regard to railway services the claims of pure Indians as a rule have been ignored. We should like to have an assurance that in recruiting the new service proper attention will be paid to the claims of Indians and that posts will not be filled up as they have been filled up, in connection with the Accounts Service on the East Indian Railway.

Mr. B. Das (Orissa Division : Non-Muhammadan) : Sir, this question has been the subject-matter of discussion on the floor of this House on previous occasions, but I will not imitate my friend Mr. Ranga Iyer who rather made a diversion to-day from the field of politics to finance and accounting, which I call a digression on his part. Sir, I would only ask my friend Mr. Ranga Iyer to read a chapter from the book which my leader has written " Unhappy India ". (*Mr. C. S. Ranga Iyer* : " What has that book to do with this ") , because therein he will find sufficient matter on Railways and how they drain the country which should convince him of the truth of what Mr. Neogy advocated.

Sir, this was an occasion promised to us by the Honourable Mr. Parsons during the last budget discussions when we could take up the discussion of the Report of Sir Arthur Dickinson. Sir, I do not want to state my views whether I accept the separation of Accounts from Audit. I find in this House opinions have changed as my friend Mr. Neogy has already said, and if on former occasions I always got up after Mr. Neogy to tilt my lance with those redoubtable champions of separation, like my friends Mr. Jamnadas Mehta and Mr. Shanmukham Chetty, on this subject, this time I am not going to do it. Even if there is any opposition from Mr. Neogy, or support from me to him, it will not help the matter, because I find that the general consensus of opinion in the House is to accept the Resolution that has been brought forward by my Honourable friend, Mr. Parsons.

Sir, I will not go in detail into the Report of Sir Arthur Dickinson in which various recommendations have been made to improve the management of the Railways, but whether those will improve the financial administration of the Railways is a point of which I am not yet convinced ; but it is going to serve an important purpose ; it is going to stop the promotion of Indian officers in the higher departments of accounting and engineering in the different Railways, and in that respect I want certain assurances in reply from the Honourable Member in charge of the Department.

Sir, during the last budget Session we discussed the question of the stores purchase policy of the Government of India, and we were assured

[Mr. B. Das.]

by the Honourable the Commerce Member that he had no intention to centralise the stores purchase policy of the Railways, and that he was not going to carry out the recommendation of Sir Arthur Dickinson in that matter which was to the effect that the Railway Board should try to centralise the stores purchases of the Railways. I said at the time that I was dissatisfied with that particular recommendation and that policy should not be pursued. And in fact in this matter we are only helping the Honourable Mr. McWatters in the scope of his policy to give the Indian Stores Department a bigger share of purchase in India, and if he cannot get more orders from the Honourable Mr. Parsons or from the Honourable Sir George Rainy then it is his look out ; but he has our entire sympathy and support in this matter. The stores purchase policy of all Government departments should be to purchase through the Indian Stores Department in India. If that be the case, then orders which are passing through the Indian Stores Department, London, should come eventually through the Indian Stores Department situated at Delhi or Simla. But it is not only the stores purchase policy of the Railways but also the recruitment to posts like Controllers of Stores and Deputy Controllers of Stores about which I expressed my doubts last Session at Delhi. If the Department over which my Honourable friend, Mr. McWatters, has control has given us the understanding that they will try to Indianise that Department as much as possible, the Department of Stores Purchase over which my Honourable friend Mr. Parsons has full control has not yet done anything to Indianise the control, and when I read between the lines of Sir Arthur Dickinson's Report, I felt that there were certain underlying recommendations that those officers should be Europeans, and I think nobody on this side of the House would accept that implication.

Sir, then I come to the recommendations of the Dickinson Report on the recruitment of the higher accounting officers. In one of the paragraphs it has been recommended that every railway should have a Chief Accountant and there should be a Deputy Accountant who should be there to relieve him while he is away from India on leave. That very passage suggests that it was in Sir Arthur Dickinson's mind that the Chief Accountants on Railways should be always Europeans. I brought up the subject before the House last Session and my Honourable friend Mr. Parsons paid at the time the highest compliment to the Indian complement of Accounting Officers by saying that they are doing such magnificent work both in the Audit Department and the Finance Department. I did feel happy that that compliment was paid by my Honourable friend Mr. Parsons, but I find in paragraphs 358 and 359 certain recommendations that appear suspicious. It is said that four chartered accountants should be recruited from England for 5 years. And it further says that these four chartered Accountants will have the Director of Audit of the Railway Board as the Chairman and they shall form the Executive Officers of the Committee, the other members being called upon from time to time in a consultative capacity for control of Railway Accounts. Later on in paragraph 359 it says :

"At the end of the term of five years they should be entitled to six months' leave and should then be considered for selection to vacant posts of Chief or Deputy Chief Accountants."

Sir, that was my submission when I pointed out this fact to the House last Delhi Session. I again wish to emphasise the fact that if Sir Arthur

Dickinson wants chartered accountants who come from England he would naturally like them to get preference over Indian Accountant Officers as Chief Accountants and Chief Auditors of Railways and these Indian Accountant officers happen to be 75 per cent. or 80 per cent. of the present cadre. On the sly it is intended that there shall be chartered accountants recruited from England who will be eventually turned into Deputy Chief Accountants and Chief Accountants on the Railways. I do not know how the Standing Finance Committee, where we have got resolute champions like Mr. Jamnadas Mehta and Mr. Aney, gave their consent to this part of the Dickinson Report. (*Mr. Jamnadas M. Mehta* : "No, no.") While I accept this policy of separation—I have no other alternative but to accept the separation of Accounts from Audit—I will be no party to accepting this principle of fresh Europeanisation which I consider to be a vicious principle ; that European chartered accountants should be brought out and paid higher salaries at the commencement with a guarantee that they will be eventually turned into Chief Accountants and Deputy Chief Accountants is very hard on the present Indian Officers. When the present European Chief Accountants, if any, go on leave, they ought to be replaced by Indian officers. In the Public Accounts Committee in one of the memoranda I saw a certain recommendation from the Auditor General which may not have been accepted.....

Maulvi Abdul Matin Chaudhury : On a point of order, Sir. Is the Honourable Member relevant in raising the question of Indianisation ?

Mr. B. Das : Sir, as I was mentioning, in the Public Accounts Committee in the report of the Auditor General which was submitted to us there were certain recommendations by the Auditor General to pay Rs. 250 extra salary to the chartered accountants from England. These are heaven-born accountants ! They are different from the very specialised accountant officers which we have got in the Audit Department of the Government of India and the very specialised Finance Department we have got under the Government of India. I believe that those recommedations have been accepted by the Government of India. (*Mr. Jamnadas M. Mehta* : "No.") But this makes me feel that there is always in the minds of the Auditor General or of my friend Mr. Parsons an idea that European recruited chartered accountants have got some kind of divine knowledge. I find in paragraph 359 :

"The four chartered accountants to be appointed should have at least five years' experience in actual accounting work after passing their final examinations; should be experienced in the installation of new systems; should be familiar with mechanised accounting methods...."

It does not say that they should have previous training in railway accounting in England. Had Sir Arthur Dickinson said that, I should have accepted it as a brilliant suggestion. But he simply says that a training in an office of a chartered Accountant in Glasgow or London would suit his purpose. I say this with all the emphasis at my command that Indian accountants and auditors that are now occupying high positions in Government Departments are more efficient than these young chartered accountants that may be recruited in England. I do hope no more Europeanisation will be done in the higher Accounts Services. We find that is the only department where the Indians can hold their heads high and the work they are doing is of exceptional merit, and where they have established a high reputation and a high standard because there have been no racial discriminations in the past.

[Mr. B. Das.]

Sir, I come to the next paragraph 360. It says that there should be two sections—a Planning and Progressing Section as well as a detailed system of Cost Accounts. For the former section they want engineer accountants.....

Mr. President : Order, order. I cannot allow the Honourable Member to go on with these details. I think Maulvi Matin Chaudhury was quite right in raising a point of order. The Honourable Member was irrelevant. I did not stop him in the hope that the Honourable Member would himself realise that he was not talking to the point.

Mr. B. Das : May I point out, Sir, that an assurance was given to us that we could discuss this Report of Sir Arthur Dickinson when Government brought up a Supplementary demand before the House on the separation of Audit and Accounts ?

Mr. President : Honourable Members should have asked for a day.

Mr. B. Das : I cannot ask for a day now....

Mr. President : The Chair is very sorry.

Mr. B. Das : I bow to your ruling, Sir. There is my suspicion on the point of further Europeanisation. It applies to all the Departments whether it be the Accounts Department, or the Stores Department, or the Engineering Department. I want Indians to get their full share in every Department. My Honourable friend, Mr. Parsons, said that if this House sanctions the separation of Audit and Accounts he will introduce a system of recruitment by examination for the higher and lower services of accountants. I quite welcome that, because somehow or other there is a suspicion in our minds that the accountants in the lower grades will be too much oppressed by the departmental officials who occasionally happen to belong to the same profession as myself. They are engineers, they are transportation officers and the poor accountants drawing Rs. 60 or 100 will have to obey them ; and at times accounts are falsified or records destroyed. My Honourable friend Mr. Parsons assured us that they will be completely separated from executive control and will be under the Chief Accountant of a Railway who will be directly under the Financial Commissioner. I feel quite happy over that assurance, and I feel happy that the recruitment will be by means of a system of examination where every body will be recruited on his own merit. I do hope that when that recruitment takes place, every province will have a chance to supply its own quota of staff, because the Railways happen to run in every province and recruitment of the staff that is engaged in a particular province ought to be from that province.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, there is a good deal of force in the complaint of my Honourable friend, Mr. Sesha Ayyangar, that this very important question should have been brought in the form of a Supplementary Demand for Grant instead of in the form of a proper Resolution for adoption or rejection by this House. The Demand presumes that the proposed reform itself has been accepted by the House and that only the necessary money remains to be voted. During the four days that we discussed this question in the Railway Standing Finance Committee, I was under the impression that a Resolution would be brought forward before the House and that if that was

adopted, a Demand for Grant would follow. And I remained under that impression till the meeting dissolved. It was later pointed out to me that it was not intended to bring forward a Resolution and that the question could be discussed by a cut. I do feel, Sir, that this is somewhat irregular ; the reform which is now sought to be made permanent and extended was an experiment and it had to be confirmed by the House before money for its extension could be demanded ; what is more, Sir, the part of it, relating to the Clearing House has never been brought before this House in a formal manner and has never been accepted by the House after a regular debate. I therefore submit, Sir, that the method adopted for bringing this question before the Assembly in the form of a Supplementary Demand for a Grant is, to say the least, somewhat irregular. But I am afraid, Sir, that we are helpless in the matter and the only remedy available to us is the drastic one of refusing this grant ; this, Sir, I am not willing to do, because I have identified myself with the principle of the reform that is proposed.

Having made this protest, I must come to the main point, namely, the question that is before the House. There was in 1925 a great deal of difference of opinion as to whether the separation of Audit from Accounts was an administrative change in the right direction. Although I myself was fully convinced of the necessity and the desirability of the reform, I was a good deal disappointed to find that a very important section in the House was not convinced of its wisdom. Ever since then I have thought long and thought deeply over this question and I find, Sir, that the real reason for the difference of opinion arises from the point of view from which you look at the function of accounting in railway business. You do not want in the Railways a mere continuation of a system based on the rigid principle of audit and accounts that prevails in the other departments of Government where accounts and audit are merely concerned with budgeting, but the Railways are a business proposition first and only secondarily concerned with the budget ; and like every other business proposition must keep accounts. Also the Railways must have audit, but the function of auditing in a department of Government is mostly, if not, exclusively financial rectitude and financial propriety. These are the only two important aspects of accounting and auditing in a Government department, but in a business concern, though you start with financial rectitude and financial propriety, you do not stop there. You are not satisfied simply because all the receipts that should have come in have come in. You do not feel that your business is going on well simply because the expenditure has been properly checked. That is all right and necessary, but that is not all. When you are conducting a business, your main object should be to see day after day how the business is going on. Your accounts should not merely be correct, but through the accounts you should be able to chase every single rupee that you spend to its ultimate destination and see what purpose it has served. That is not possible in the combined system of railway audit and accounts. This has been again and again pointed out by Sir William Acworth and Sir Arthur Dickinson in a cogent and convincing manner. I think, Sir, that no one who has ever had any connection with a commercial concern will doubt for a single moment that it is the function of the accountant to be the handmaid of the head of that business. He must be available on every occasion to the head or the manager to point out to him how the business runs, whether the expenditure that has been sanctioned is paying its way, whether if more expenditure is incurred better results will follow, whether in a certain direction economy can be accom-

[Mr. Jamnadas M. Mehta.]

plished or whether it cannot be and so on. This can only be done if the accountant works with the manager of the business in close and constant association. Under the old system, as has been pointed out, that was an impossibility. The old system had a definite purpose and indeed served that purpose very well, namely, the checking of expenditure and the seeing that all the receipts were accounted for. But as I have said, that should not be the whole function of Accounts in the Railways. However efficient the combined system may be, it cannot prevent the insolvency of the business, because it is designed more as a brake and not as a motive power. It is only the proposed reform which can tell you at any given moment whether your business is flourishing or otherwise and what its prospects are and how they can be improved. Therefore, Sir, the separation of Audit from Accounts must now be taken as having been finally decided by the very convincing reports of two great experts and by the ordinary experience of all business houses. And I hope that in other commercial departments of Government also the separation of Audit from Accounts will be undertaken. We should confirm this experiment on the East Indian Railway and extend it to all other State Railways.

Now, Sir, a great deal has been said to-day about the opinion of the Auditor General on this question. I find that every one has quoted what suited him most. My Honourable friend Mr. Neogy quoted those portions which suited his side of the argument. My Honourable friend Mr. Ranga Iyer quoted that portion which really was opposed to Mr. Neogy. The Honourable the Financial Commissioner satisfied himself by quoting a certain passage relative only to one aspect of the case. But the report of the Auditor General on this matter has to be read as a whole, and any one who fully reads the report of Sir Frederic Guantlett on this question must rise with the sure conviction that that very able and conscientious officer is whole-heartedly identified with the proposal for separation. Sir Frederic Gauntlett in reviewing the memorandum of the Financial Commissioner has stated in what circumstances he received the report, in what circumstances he had to check it ; and when he says that he has not verified particular figures he only means, as I have an assurance from the Financial Commissioner and an assurance from Mr. Jukes, that where there is a figure of say 10,28,000, for instance, he is not clear whether it should be 10,27,000 or 10,29,000, but that on the whole the figure is approximately correct. We have been assured by Mr. Jukes that that is the point of view from which the Auditor General has criticised the memorandum. Then, Sir, the Auditor General also deals with the question whether certain reforms and economies which are claimed in this memorandum could or could not have been effected without the separation. He says that they could have been accomplished in many cases ; but after making allowance for that and for the shortness of the notice under which he had to consider this memorandum, and after stating that he had not sufficient opportunity to verify some figures, Sir Frederic Gauntlett says :

"All that is however in theory only. In practice it is really impossible to speculate how much of the work, both on the side of accounts as well as audit, would actually have been effected without the separation. The fact remains that nothing like the same measure of improvements, reforms and economies have been effected in the past by the combined audit and accounts system."

That is a most important statement. Again, Sir, he says that "a strong point in favour of the separation is all that has been accomplished in a short space of time". Sir, both as regards the volume and the extent of

reform and economies and the time within which the reforms and economies have been accomplished the Auditor General is in favour of the separation. Finally, he comes to the conclusion which has been quoted by my Honourable friend Mr. Ranga Iyer. He says :

"I feel no hesitation in recommending that the experiment on the separation of audit from accounts on the East Indian Railway be accepted as a success and that it be adopted as a permanent measure and extended to other railways."

That is the final advice which Sir Frederic Gauntlett gives after reviewing the memorandum of the Financial Commissioner.

Then, Sir, the House will be interested to know that we had the benefit of the presence in the meeting of the Railway Finance Committee, where we discussed the matter for four days even including a Sunday, of Mr. Jukes and Mr. M. K. Mitra, and Mr. B. N. Mitra. I asked them again and again and I was given to understand by all these experienced officers that whatever their apprehensions, whatever their hesitation three years ago, whatever their misgivings when the reform was first adopted, they have been convinced by the experience of the last three years that it is superior to the method of the combined Accounts and Audit. This opinion is important, because it comes from people who have worked the old combined system. In 1925 when we were first considering the separation in the East Indian Railway, Mr. M. K. Mitra had submitted a report in which he asked himself two questions, one was whether with the combined Audit and Accounts the same reforms could not be accomplished ; at that time he stated that they could be accomplished. Now, this time after three years, I asked Mr. Mitra :

"In view of the observations that you made in 1925, will you kindly give us your frank view in the matter? Will you still maintain what you said in 1925?"

And the House will be glad to know that Mr. M. K. Mitra told me that he was prepared to modify his statement made in 1925, namely, that the same reforms could be accomplished under the combined system as under the separate system. The very people from whom we are taking over this business are all combined in favour of the reform and therefore whether on the question of principle as a business proposition, whether in the matter of opinion of people who are qualified to speak on it, and, lastly, as to results, on all these three tests, the experiment stands vindicated and we are all unanimous for continuing and extending it. (Applause.) There is, Sir, in one of the Schedules attached to the memorandum a whole list of economies that have been accomplished, effected and achieved. Some of them are not of a character which could be accepted by me without reservation. Some contractors, for instance, have been compelled to make some reduction in their bills. A contractor gives up Rs. 500 here, and another Rs. 700 there, but probably in consideration of the contractors giving up small amounts, they got some Rs. 3,000 elsewhere. Therefore, I am afraid, some of these economies are perhaps for the purpose of stage management and not real economies of the kind that we would accept. But making allowance for all that, if one reads the whole Schedule G from beginning to end, it is so varied that it touches every Department on the East Indian Railway ; it touches every railway activity that it can possibly do. It cannot be that all these economies would be faked up in all departments for the purpose of dressing this report. Therefore with ordinary common sense I think we will have to accept these economies as properly accomplished.

[Mr. Jamnadas M. Mehta.]

Sir, while I feel that the memorandum of the Financial Commissioner is somewhat too optimistic in tone, it is a very able and exhaustive document and does credit to its author : we are greatly indebted to the writer of this memorandum—Mr. Hayman—for the insight that we got into the working of the experiment on the East Indian Railway. (Applause.) Three years ago Mr. Hayman's appointment to the Railway Board was sanctioned by us and I am sorry.....

Mr. President : Order, order. That is hardly relevant.

Mr. Jamnadas M. Mehta : Sir, I am regretting that Mr. Hayman should, since the separation, have been the subject of a good deal of criticism with regard to appointments and disappointments ; I think, Sir, that three-fourths of the opposition, I was inclined to say, the whole of the opposition to separation is the result of the bitterness and disappointment caused by supersession, favouritism and jobbery, real or imaginary. There is a great deal of complaint on the East Indian Railway, since this experiment was inaugurated, in regard to the supersession of people, preferments to incompetent people, and injustice to competent people. I am not therefore surprised that this experiment was viewed with suspicion by a large number of people. I have had a little experience of making appointments in the Bombay Corporation and I know that for one man who is appointed there are dozens who are disappointed. The same may be the case in regard to Mr. Hayman's critics, but I wish him to avoid Colonel Gidney, if he wants to make himself a success and wishes to be trusted.

Mr. President : Order, order. These observations are not at all relevant.

Mr. Jamnadas M. Mehta : If you refer to the Schedule.....

Mr. President : Order, order.

Mr. Jamnadas M. Mehta : With great respect I would draw your attention to the Schedule, which makes my observations relevant and even necessary.

Mr. President : The Honourable Member may table a separate Resolution if he wishes to have a discussion regarding the appointments and disappointments of Mr. Hayman.

Mr. Jamnadas M. Mehta : The Chair has given this ruling twice or thrice.

Mr. President : Order, order.

Mr. Jamnadas M. Mehta : Very well, I will not dwell upon it. Sir, the Standing Finance Committee for Railways, as will be seen from its report, has taken care that in future there will be the least occasion for the play of the personal factor in making appointments and that the system of recruitment shall be as automatic as the Railway Finance Committee can make it. Honourable Members who might be inclined to mistrust the separation on account of the complaints of the last three years will kindly read this part of the Standing Finance Committee's observations on the memorandum. If they have anything to say by way of criticism or suggestion that will make the new system as automatic and as little liable to the play of the personal factor as possible, the Committee will be only too glad to incorporate in the rules whatever suggestions are found practicable. The Railway Standing Finance Committee has not sanctioned the schedule of recruitment for the superior and subordinate services, as the department wanted it to do. It has taken care that all the rules shall be considered by it before they are promulgated. There is no likelihood, as my Honourable friend Mr. Das is afraid, of foreigners being imported from abroad in the Railway Accounts Service. Qualified Indians who pass the test of the Public Service Commission will be entitled to reach practically the highest ladder in the Railway Accounts Service as is stated in the Schedules.

Sir, there is one thing in connection with this question which the House has perhaps not noticed, and that is the question of the Clearing House. That was not in the original Resolution of 1925. The Clearing House Office, for settling the accounts of foreign traffic of State Railways, was started in April 1926, or was put into force in April 1926, though sanctioned in December 1925, and if the House passes this Demand, the House will thereby also give its sanction not merely to the separation of Audit and Accounts of all State Railways, but also to the confirmation of the Railway Clearing House at Delhi for foreign traffic of State Railways. Now, Sir, happily so far as the local traffic of these Railways is concerned, it is not included in this demand. Sir, as I told you, this reform was not sanctioned by the Assembly. I therefore pleaded before the Standing Finance Committee that the Clearing House office should not be made permanent along with the separation of Audit and Accounts. Secondly, we have had only brief experience of its working and, thirdly, that a host of complaints against the Clearing House has been received during the last eighteen months or more from various classes of people. Some of them at any rate have not a good word to say about the Clearing House. In view of these things, I pleaded before the Standing Finance Committee that this reform should not be made permanent side by side with the separation of Audit and Accounts ; that it should for the present be allowed to go on for some time until mature consideration enables us to make up our mind one way or the other. But happily or unhappily, I was the only dissentient and after reconsidering my position I resolved not to give any cut on that account but to conduct myself with warning the House that they are taking grave risks in accepting it. The complaints received are not merely from disgruntled employees, but one at any rate is from a very responsible gentleman, a member of the Bombay Legislative Council, a Labour leader of, shall I say, not too advanced a type, an advocate of the Bombay High Court, Mr. S. C. Joshi, M.A., LL.B. He wrote a letter to me on the eve of the discussion on the Railway Clearing House in which he gave a very grave warning to the Committee. I read out that letter to the Committee, and I think it is my duty to tell the House of the risks that they are taking if they will agree also to the confirmation of the Clearing Office. Mr. S. C. Joshi says that the work of the Clearing House Office is inaccurate. He says :

> "We know it full well that the apportionment made by the Clearing House Office is inaccurate and generally against the conference association rules."

Now, Sir, it is a grave charge, secondly, in spite of all *bandobust*, says Mr. Joshi, there is a good deal of work left in arrears in the Clearing Accounts Office. The different Railways who have to do some-

[Mr. Jamnadas M. Mehta.]

thing with the Clearing House have complained that they do not get the dues which are rightly theirs sometimes for six months. Then, the third complaint of Mr. Joshi is that there is no real economy in the Clearing Office as was claimed on its behalf when it was formulated; and, finally, Mr. Joshi warns the Finance Committee that the case in favour of the Clearing House is onesided and that, those who are opposed to it have had no opportunity to put the other side of the question before it, and therefore, according to Mr. Joshi before a regular and independent enquiry into the success or otherwise of the Clearing House is made, the Assembly would be taking grave risks in confirming it. Sir, that letter I read out before the Committee and the Committee also seriously considered it. The Committee thought it was not right to delay the reform simply for the sake of Mr. Joshi's complaints and Mr. Jukes, on behalf of the Auditor-General, entered a severe protest against the vagueness of the serious charges of Mr. Joshi. The Committee gave patient attention to Mr. Joshi's letter, but they finally decided that the reform should not be delayed while agreeing that Mr. Joshi's complaints should be inquired into. As it happened Mr. Joshi was in Simla the same day, only we didn't know that; but now, Sir, Mr. Joshi has written to me that he is prepared to substantiate every charge he has made against the Clearing House Office. I trust that the Financial Commissioner will give Mr. Joshi ample opportunity to substantiate his complaints and if they are well-founded to set them right.

Lastly, in commending this demand to the House I will read a few lines from the report of Sir A. Dickinson where he makes the following observations regarding the present combined system:

"Nothing can be so deadening to the initiative and enterprise of a competent officer as a stiff code outside the limitations of which he cannot proceed in the minutest particular. One accounts officer has reported to me that on taking up his duties on a certain Railway he was confronted with 35 volumes of codes and manuals all of which he was expected to absorb."

Now, Sir, this statement of Sir A. Dickinson is a sufficient agreement against the combined system; it shows that under the present system before an accounts officer can become efficient in the discharge of his duties he has got to master 35 codes and manuals. I think, Sir, even if Aristotle were brought to life again, he could not do that; much less can an accounts officer on Indian Railways. Separation is therefore the right remedy.

Sir, I commend this reform to the acceptance of the House.

Mr. A. A. L. Parsons (Financial Commissioner, Railways): Sir, the support which I have been lucky enough to get for these proposals in their general aspects from the other side of the House makes it unnecessary for me to detain Honourable Members long in reply. And I am particularly glad of it, because I understand that there are a good many Members who would like to gain experience of the exploits of the East Indian Railway in another and more exciting field than that of accounts.

There are however one or two points with which I think I had better deal. First of all, a complaint has been made by several Members—Mr. Jamnadas Mehta, Mr. Sesha Ayyangar and I think Mr. Neogy—that these proposals have been brought before the House in the form of a Demand

for a Supplementary grant instead of by a Resolution. I admit, Sir, that that objection did not occur to me until it was mentioned by Mr. Jamnadas Mehta to me after our meetings in the Standing Finance Committee. When I discovered that though these proposals are likely to lead to a considerable saving eventually we should want Rs. 12,000 more this year, I looked up the rules about Supplementary Grants and I discovered that it is definitely laid down in Rule 49, Standing Order 72, that an estimate shall be presented to the Assembly for a supplementary or additional grant when the need arises in the current year for expenditure for which the vote of the Assembly is necessary upon some new service not provided in the Budget. The course I took was, therefore, that prescribed by the Standing Orders and I also think it is fairly clear from the discussion which we have had that the procedure which I have adopted has not in any way prejudiced Honourable Members in making their comments on these proposals. I should however have been quite prepared to put forward a Resolution, had I thought earlier that there would be any desire for that course to be adopted.

I will now turn to my Honourable friend Mr. Neogy. His first complaint against me was that it was inconvenient that this motion was not brought forward earlier in the Session. I confess that I have a suspicion that there would never come an occasion on which Mr. Neogy would feel that such a motion was convenient. Nor of course did it rest with me that the Session has not lasted longer, though I have an idea that by his vote yesterday he could have obtained the prolongation of it which he apparently desires. Anyhow I tabled the motion as early as possible.

I think, Sir, that Mr. Jamnadas Mehta has sufficiently answered the point about what the Auditor General's view of these proposals actually is. My own view is that which has been recorded by the Standing Finance Committee, who have, I think, given a reasoned exposition of what has been done under the separation of accounts and audit on the East Indian Railway and what remains, as I admit much remains, to be done. Mr. Neogy mentioned that he feared that under the proposed system audit would be less independent than it is now. I should like quite definitely to rebut that suggestion, because the Auditor General and the Railway Board are extremely anxious that audit should be independent and it is very largely because we consider that if audit is separated from accounts it will be more independent that we have put forward these proposals to the House. Mr. Neogy also challenged the reliability of the estimates of savings that we have given: they amount to Rs. 1,97,000 on establishment alone. When the Auditor General wrote his minute, he was not in a position to state definitely that he had accepted this estimate. His minute was dated the 7th August, 1928. Since that time, this estimate has been exhaustively examined by the Auditor General and his officers and I understand that it is now accepted by him as being as reasonable an estimate of what the savings are likely to be as any one can at present give. Mr. Neogy also expressed a fear that the scales of pay which we have proposed may prove to be too low and that even though at the moment we may be able to get these savings, in the future we shall have to raise the scales of pay. I should like to refer him to a remark in the Auditor General's minute from which it may be surmised that in his opinion it is more likely that he will be able to reduce the scales of pay in the Indian Audit Service than that it will be necessary to raise the

[Mr. A. A. L. Parsons.]

scales of pay for the Railway Accounts Service. In paragraph 16 of his minute he says :

" I think a point which requires mature consideration is whether it is desirable to retain for the Indian Audit Service of the future the existing scales of pay of the Indian Audit and Accounts Service."

I should like to turn now, Sir, to the quite definite questions that were put to me by Mr. Kunzru and also to the points raised by Mr. Abdul Matin Chaudhury and Mr. Das. Mr. Kunzru asked me what we were going to do with regard to vacancies which may occur before the rules for recruitment have been framed. I had better perhaps take the staff of the new Railway Accounts Service in three parts, officers, higher subordinates—accountants and so on—and clerks. With regard to officers, I am not anticipating that we shall have any vacancies to fill by outside recruitment, at any rate at present and until the rules have been framed and settled with the Standing Finance Committee for Railways, because I think we shall be able to obtain all the men we want either by loan from the Indian Audit and Accounts Service or by the promotion of suitable subordinates in that service or in the existing Railway Accounts Service. I see no reason to anticipate that any vacancies will occur before these rules have been settled with regard to officers, especially as we shall have to bring in the separation gradually, and until next April probably we shall only have to deal with the Burma Railways.

I will now go to the other end of the scale. With regard to clerks, I cannot say definitely that no appointments will be made until these rules have been passed, though I do not think it very likely that more than a few in any case will be so made. What we propose to do is to make temporary promotions from the existing establishments in our accounting offices and only to recruit on a temporary basis in the vacancies that may occur until the new rules have been passed. When the rules have been passed, our idea is to have a competitive examination for all clerks entering the various offices. In that way, I think we should get rid of any complaints, whether justified or unjustified, that favouritism has been shown in making these appointments. And it is here that the point made by my friend Mr. Abdul Matin Chaudhury comes in. When we hold those examinations it is our intention to reserve one-third of the vacancies for the redress of communal inequalities in these offices ; and if, as is the case at present, certain communities are not well represented in these offices, because they were not well represented in those offices from which our staff has been obtained, then the redress of these communal inequalities will be carried out through this one-third of the vacancies being reserved for them, irrespective of the fact that certain members of those communities may succeed in obtaining a certain number of the places in the remaining two-thirds which will be filled by competition. That is to say, in deciding how to fill one-third of the vacancies we shall look at the composition of the office as a whole—it may be the Clearing Accounts Office or the East Indian Railway Accounts Office—and not merely at the numbers of the various communities who happen to get in at an individual examination. I hope I have made myself clear.....

Nawab Sir Sahibzada Abdul Qaiyum (North West Frontier Province : Nominated Non-Official) : What about recruitment in the other offices ? There the deficiency caused by the transfers might have been made good by this one-third.

Mr. A. A. L. Parsons : Sir, so far as the offices at present under me are concerned, since they have come under me—I am referring of course particularly to the Clearing Accounts Office at the moment—there has been quite considerable Muhammadan recruitment.

The Revd. J. C. Chaterjee (Nominated : Indian Christians) : May I ask the Honourable Member to say whether the term " Minority Community " will only refer to the Muhammadan community or to others as well ?

Mr. A. A. L. Parsons : I have used the pharases I have used advisedly, and the term " minority community " does not refer to one community only.

Mr. Jamnadas M. Mehta : Do we want accountants or religions in the Railway Accounts Service ?

Mr. A. A. L. Parsons : I have so far dealt with clerks ; I will now deal with accountants. These will ordinarily be taken from clerks who have passed the accountants' examination which will, I expect, be exactly the same as the examination for which clerks under the Auditor General now sit. The actual details have not been worked out.

I hope I have now explained exactly how we propose to man these offices and I should like to make one point clear. We have no idea of bringing in recruits from outside India to fill any of these posts, and the particular recommendation of Sir Arthur Dickinson to which, I think, Mr. B. Das referred, is one which has not been accepted by Government.

There is only one more matter to which I want to allude, and that is in connection with what my friend Mr. Jamnadas Mehta said about whether we should make the Clearing Accounts Office permanent now. We have always been very glad to receive the support we have got from Mr. Jamnadas over these separation proposals, and though I cannot admit that the working of the Clearing Accounts Office has been bad,—in fact, I gave figures the other day to show that it has been extremely good,—I am quite prepared to investigate complaints made by a responsible person if they are substantiated by definite facts and figures. The real thing in regard to the Clearing Accounts Office is that it is impossible to remove the various grievances of the clerks there until the office is made permanent and we can decide how they should be placed, until we know how many there are going to be permanently and for how many we should build accommodation. That is the point I made in my opening speech, and that is really the reason at the back of my mind for wanting the House to agree now to making the Clearing Accounts Office a permanent institution.

Sir, I have done. I trust the House will accept this motion.

Mr. President : The question is :

" That a supplementary sum not exceeding Rs. 12,000 be granted to the Governor General in Council to defray the charges which will come in course of payment during the year ending the 31st day of March, 1929, in respect of ' Audit '."

The motion was adopted.

The Assembly then adjourned for Lunch till Ten Minutes to Three of the Clock.

The Assembly re-assembled after Lunch at Ten Minutes to Three of the Clock, Mr. President in the Chair.

AMENDMENTS TO THE STANDING ORDERS.

***Mr. A. Rangaswami Iyengar** (Tangore *cum* Trichinopoly : Non-Muhammadan Rural) : Sir, I beg to move that the amendments to the Standing Orders, as reported by the Select Committee, be taken into consideration.

Honourable Members are aware that at the beginning of last year I brought forward a certain number of amendments to the Standing Orders and moved for leave to introduce, which was unopposed. Thereupon, according to the procedure of the House, a Select Committee was elected by proportional votes, which sat in February and March last year and produced a Report which was submitted to the House in March last. Since that time, these amendments to the Standing Orders have been coming on the agenda of both official and non-official business, but apparently, by some unknown convention of this House, amendments to Standing Orders are always put last on the list and usually on the last of the days that are available for the House to consider them. I do not know why it should be so, why the House should be so indifferent to the improvement of its practice and procedure, but apparently that is the system which is in vogue. I hope, Sir, that, as a result of the amendments which I now propose, it will be possible for us to improve our practice and procedure.

I do not want to take up the time of the House at this fag end of the Session by making any detailed speech upon the actual amendments which have been recommended by the Select Committee. I may say at once that the object of all these amendments is not merely to improve the present procedure, not merely to rectify some of the defects which were noticed, but also to increase the Assembly's usefulness as a legislative assembly which desires to assist the Government in carrying on the government of this country in a manner responsible to the representatives of the people. So far as that is concerned, I consider that, even within the very serious limitations which have been imposed upon us by the Act and by the Indian Legislative Rules, by which the Governor General in Council has such a great voice in controlling the practice and procedure of this House, it is possible within the limits imposed upon us to improve our practice and procedure, so that this House may do very much more useful work on behalf of the people as their representatives in this House than we have been able to do so far. The main improvement which I want to suggest is that, so far as this House is concerned, it has not sufficient time or opportunity to bring forward matters of public interest for discussion in this House, and in that respect we are at a serious disadvantage as compared with other Parliamentary assemblies in the world. So far as the parallel of British Parliamentary procedure is concerned, it may be technically right that in England the Ministry has much control over the business of the House. But as the Ministry represents the House, as the representatives of the people have a voice in the making of the Ministry, that Ministry is controlled by the Legislature in a manner very much more thorough than it can ever be in this House. Therefore, that parallel will not hold good. But even otherwise, even from the point of view of the fact that in England naturally on account of the responsible character of the Ministry the business of the House there is more controlled by the Ministry than here, even then, I say that in this House we do not get the facilities which are given in Parliament to Honourable Members who are private Members as well as Members belonging to the different parties. The manner in which the House of Commons gives facilities to the House to discuss the administration, to criticise the Government and to bring votes of censure on or votes of no-confidence in the Government in the House is by four or five very definitely ascertained ways by means of conventions. First of all, they have got a debate on the Address. The King's Speech gives an indication of the policy of His Majesty's Government, and upon that immediately a debate is initiated over the whole policy of the Government and that is carried on for days on end in Parliament.

That is one step. The other step is the debate on the several adjournments of the House that take place from time to time, on the adjournment for Easter, on the adjournment for Christmas and on the adjournment for Whitsuntide. On every motion for the adjournment of the House, general debates are instituted which give an opportunity to the House to discuss various questions dealing with the executive government of the country. But the most important motions on which the House of Commons is able to get every matter of importance in the administration of the country discussed in the House is by means of motions in the Committee of Supply and the Committee of Ways and Means. In England these Committees are more or less perpetually in Session during the whole of the Sessions of Parliament throughout the year and as they are Committees various motions are brought forward under the various votes which come up for discussion in the House of Commons. Then there is of course the opportunity by way of moving the adjournment of the House on matters of urgent public importance. If you compare with that what we have in this country, I say that the power that has been conferred upon us is extremely limited. Under the rules the Governor General has got the power to allot certain specific days for the transaction of non-official business, that is, Resolutions and Bills. As a matter of fact motions which can be brought forward other than by way of Resolutions were completely ignored until recently. They discovered it apparently after I gave notice of motions to amend the Standing Orders. In 1926, the Government published certain amendments to the Indian Legislative Rules by means of which motions other than Resolutions have been allowed to be brought forward under very serious limitations. Then we have no debate on the Address. The number of days allotted for non-official business is generally not more than 6 from January to March, in any case not more than 8 at the maximum, and not more than 3 or 6 in the Simla Session. Therefore we have very little opportunity as non-officials to bring forward questions of importance.

* Speech not corrected by the Honourable Member.

[Mr. A. Rangaswamy Iyengar.]

So far as Government business is concerned, Government business here is not carried on in the same way as it is carried on in England by means of the Committee of Supply and the Committee of Ways and Means It is carried on by means of Bills and Supplementary Grants and things like that. I admit that so far as the power of discussing the administration is concerned, we have been given the power by means of the procedure adopted since 1921 to discuss questions of administration during the time of the budget grants and also to some extent during the discussion of the Finance Bill. The total number of days that have so far been allotted for the discussion of these grants is six days and if you take the two days that are allotted for the discussion of the Railway Grants, not more than 8 days are allotted to non-official Members for discussing the administration ; and taking these days in addition to the days allotted for Resolutions, there is in comparison to the state of things in England very little time within which we are in a position to discuss the administration of the Government of this country. Therefore, my object in bringing this motion is to improve matters in this respect. In the first place, as Honourable Members will recollect, on some days official business takes only five minutes. We come here most ceremoniously, sit for five minutes, move that the Bills be circulated and then the rest of the day is wasted so far as we are concerned.

Mr. President : You can say all these things when speaking on the amendments.

Mr. A. Rangaswami Iyengar : I do not want to detain the House at this stage. The object of my proposing these amendments is to allow this House to use the full time at its disposal when all of us are here for the transaction of the business of the country ; to allow also that on days which are not appropriated to Government business we should be in a position to appropriate those days through your discretion, Sir, to discuss business brought forward by non-officials when official business is not brought forward. We also desire, Sir, that we should have the right to move an address upon the speeches with which His Excellency the Viceroy usually opens this House, when he takes occasion to comment on various administrative measures or to lay down various lines of policy.

There are sundry other amendments, Sir, on which I do not want to take up the time of the House now. If and when they are put forward I shall have occasion to explain why those amendments are sought to be made. I am sure the whole House will agree with me that the object of the amendments is one which should commend itself to every one in this House. I am glad to say that the official Members agreed with me that more facilities should be given, although they differed as to the detailed processes by which it should be done. I do not want to take up more time of the House and I move that the amendment of the Standing Orders be taken into consideration.

*Mr. C. Duraiswamy Aiyangar (Madras ceded districts and Chittoor : Non-Muhammadan Rural) : Sir, I rise to make a motion which I am sure will please every one in this House though it is perhaps contrary to the

*Speech not corrected by the Honourable Member.

general practice. It is rarely that we come to a unanimous agreement about anything, but I am certain that the motion I am now going to make will be so pleasing that every one will give his vote for it. I have also had as a co-sharer something to do with the motion about the amendment of the Standing Orders and therefore would like to subtract a little of the ego of Mr. Rangaswami Iyengar and put in my own ego. I move, Sir :

"That the further consideration of this motion be adjourned to the Delhi Session."

I am sure Members will feel considerably relieved after the great tension of the work we have been doing if this debate is taken over to the Delhi Session.

Mr. President : The question is :

"That the further consideration of this motion be adjourned to the Delhi Session."

The motion was adopted.

STATEMENT BY MR. PRESIDENT REGARDING HIS VISITS TO PROVINCIAL COUNCILS.

Mr. President : There is no other business before the House this Session. There are two outstanding matters which the Chair has got to dispose of. One is in regard to certain questions addressed by Honourable Members to the Chair. I make my statement as promised.

In pursuance of a promise I made the other day, I propose to make a statement in connection with a large number of interpellations from some Honourable Members questioning the propriety of certain criticisms and attacks against the President of the Assembly which had appeared in a certain newspaper some days back in commenting upon his recent visits to some of the Provincial Councils. I had also received a notice of motion from Mr. B. Das asking this House to place on record its severest condemnation of those attacks. I have recently expressed the view that it is the inherent right of the Assembly to condemn by a specific motion any attack made against itself or its President. At the same time I am clearly of opinion that such a procedure should not be resorted to except in very exceptional circumstances, and I would appeal to the House particularly in the light of what has happened since these notices to leave the matter there, and not to pursue it any further. The House will also permit me in this connection to draw its attention to a matter of procedure in regard to notices and interpellations addressed to the President. It is a well established rule of practice in the House of Commons that questions may be publicly addressed to the Speaker regarding matters of procedure and privileges of the House, but it is not permissible to give notices of such enquiries and have them printed on the Notice Paper in the same manner as questions addressed to Ministers. My predecessor had followed that rule, and I propose to do the same. It goes into a controversy is wholly incompatible with the decorum of the proceedings of this House, and derogatory to the dignity of the Chair ; such a procedure must, therefore, be discouraged and deprecated.

[Mr. President.]

May I take this opportunity of explaining to the House the actual ts and the exact position in regard to the visits of the President of Assembly to the Provincial Councils ? This practice has not been ed by me. The House is fully aware that it has been in vogue since the inception of the present Reforms and that it was not initiated at the instance or on the suggestion of the President himself. In recommending the appointment of the first President, the Joint Parliamentary Committee which dealt with the Reform Bill of 1919 observed :

" He should be the guide and adviser of the Presidents of the Provincial Councils, and he should be chosen with a view to the influence which it is hoped he would have on the whole history of the Parliamentary procedure in India."

To attain this end, very soon after his appointment as the President of the Assembly, my distinguished predecessor, Sir Frederick Whyte, undertook a tour visiting several provinces in July and August 1921. It will interest the House to know in his own words the reason why he undertook that tour. In reply to a question tabled by Mr. S. C. Ghose regarding the annual Conferences of the Presidents of the Legislative Bodies, Sir Frederick Whyte replied on 3rd February, 1925, as follows :

" After His Excellency the Viceroy (then Lord Chelmsford) appointed me to be President of the Legislative Assembly, the then Secretary of State (Mr. Montagu) discussed informally with me the scope of my work as President. In the course of our conversation, he said that he thought it would be advisable for the President of the Legislative Assembly to establish friendly relations with his brother Presidents in the Provinces. A few months later, after resuming charge of my present office, I went on tour, visiting three Provinces in July and August, 1921. I am glad to be able to inform the Assembly that I met with a most cordial reception; and partly as a result of conversations which I then had with my colleagues in those three Provinces and partly as the result of correspondence with the Presidents in other Provinces, I was encouraged to issue an invitation to all the Presidents to assemble in conference at Simla in September 1921."

It will thus be seen that, apart from the recommendation of the Joint Committee, to which I have already made reference, the practice inaugurated by Sir Frederick Whyte, my predecessor, of visiting the Provincial Councils had the sanction of no less an authority than that of Mr. Montagu, who initiated and carried through the Reform Act under which the present Central and Provincial Legislatures of India have been constituted. The necessity of close co-operation between the President of the Assembly and the Presidents of the Provincial Councils, and of co-ordination in the methods of work and in the practice and procedure of the Legislatures has been repeatedly emphasised at the annual conferences held not only during the time of Sir Frederick Whyte, but also during my term of office.

In 1925, after my election to this Chair, I enquired of His Excellency Lord Reading (the then Viceroy) whether the practice followed by Sir Frederick Whyte of visiting the Provincial Councils and having annual conferences with the Presidents of their Councils should be continued by me, who was an elected President and not an appointed President with Parliamentary experience. In reply I was informed that :

" His Excellency is of opinion that the change from appointed to elected President has not affected the position and that it is desirable that the elected President of the Legislative Assembly should maintain the same relations with the elected Presidents of the local Legislative Councils as were maintained by his predecessor with the appointed Presidents of their Councils." (Applause).

When the annual conference of Presidents was held in January 1926, the Provincial Presidents who attended it placed on record their unanimous opinion in the following terms :

" All the Provincial Presidents asked the President of the Legislative Assembly to place on record their unanimous opinion that the purpose of these conferences could be more effectively carried out if the President of the Legislative Assembly visited the Provinces from time to time for discussing with each Provincial President the difficulties and intricacies arising in the procedure and for attending the meetings of the Provincial Councils."

I think I have said enough to enable the House to know why the practice of the visits of the President of the Legislative Assembly to Provincial Councils was started and has been continued, and to realise that these visits of the President of the Assembly to the Provinces are wholly in the public interest, and have been undertaken in the discharge of his public duties. (Applause.) I may also assure the House that the expectations entertained by those who originated the proposal and practice have been fully realised and these visits have proved of the utmost benefit in the discharge of our duties both to me personally and, I should presume, to the Presidents and the Members of Provincial Councils with whom I came in contact. In a vast country like India with a Central and several Provincial Legislatures, it seems to be [illegible] necessary that there should be a co-ordination of practice and a great uniformity of procedure to the utmost extent possible.

These visits are undertaken when the Councils are sitting in Provinces. They enable the Assembly President to come in contact only with the heads of their Councils but also with the leading Members comprising them. They facilitate a free exchange of views on various technical and other matters relating to the procedure of the Legislatures. In my opinion, therefore, the present practice ought to be welcomed by all who are anxious to see that Parliamentary institutions develop in this country on right lines. I may add that, so far as my last tour to the Provinces was concerned, it had an additional and special interest. It was only last year that I returned from a visit to Europe which I had undertaken on my own. During that visit, I had the advantage of attending the Sessions of the Legislatures of Great Britain and Ireland and of prolonged consultations and conversations with their Speakers. As the present constitution of our Provincial and Legislative Bodies have followed the lines of representative institutions in Europe, I was enabled with the knowledge thus acquired more clearly to appreciate and discuss the difficulties felt in Provincial Legislatures during my visits to them.

I have made these observations to enable the House fully to appreciate the purpose of my visits to the Provincial Councils.

STATEMENT BY MR. PRESIDENT REGARDING ALLEGATIONS MADE AGAINST HIM IN CERTAIN NEWSPAPERS.

Mr. President : At a meeting of the 14th September, Pandit Motilal Nehru, the leader of the Opposition, had drawn my attention to certain criticisms against the President of the Assembly contained in the report of the Correspondent of the *Times of India* in its issue of the 8th September, and also in the message of the Simla Correspondent of the *Daily Telegraph* published in that paper and telegraphed to this country by the *Free Press* and reported in the *Indian Daily Mail* of the 10th September.

[Mr. President.]

It was contended by the Leader of the Opposition that criticisms in the report of the *Times* Correspondent contained a suggestion that the President of this Assembly had done a good deal of publicity in preparation for the discussion of the question of the institution of a separate Assembly Secretariat, and with a view to prejudice the Government position. They also contained a charge of partiality against the President in giving his ruling against the Government in connection with the Public Safety Bill on 6th September, 1928.

I have carefully examined these criticisms, and I am satisfied that the contention of the Leader of the Opposition is substantially correct. The writer has cleverly avoided making a direct suggestion or charge, but failed in his attempt to conceal his real motive. Such veiled insinuations and suggestions are, in my opinion, more reprehensible than direct charges.

The message of the Simla Correspondent of the London *Daily Telegraph* speaks for itself and needs no comment. It contains a direct charge of [illegible] against the President, and the writer has made no attempt [illegible] the debate no Member had a word to [illegible] or defence of these criticisms, and the fresh statement [illegible] Home Member on the 7th September left no room for doubt [illegible] whole House strongly disapproved and condemned those criticisms [illegible] assured the President that he will have its support in any action that he might think fit to take against the Correspondents concerned.

Speaking for myself I am always unwilling to take any disciplinary measure against the Press men and, therefore, have delayed passing any orders in this case so long in the hope that the Correspondents concerned might see their way to tender to the Chair and the House their unqualified apology. Not only no apology came, but one of the Correspondents added insult to injury by writing to me that his comments were based on the remarks made by Members of several Parties in the House, as if that was any justification for the comments he made, even if true. I fully appreciate and recognise the general support I have received from the Press in India in the discharge of my difficult duties, and if I take any action in this case it is because I am driven to it by the Correspondents themselves. I wish they had taken note of the universal condemnation in the House of their conduct and had made amends.

In these circumstances I hereby direct that with effect from the date of the adjournment of the House *sine die* the Press passes granted to Messrs. Byrt and Rice shall stand cancelled, and no notice papers [illegible] etc., shall be sent to them until further directions from the [illegible] I would add that the Correspondents concerned or [illegible] to renew their applications and they would be considered by the [illegible] if in the meanwhile a full, frank and unqualified apology to the [illegible] and the House is forthcoming in terms approved by the President and published in such newspapers and in such manner as he might approve.

The Assembly then adjourned *sine die*.

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Mr. G. S. Bajpai : I confess, Sir, that the sequence, logical or otherwise, of that involved question I have been unable to follow. One thing stood out from that statement, and that was the name of the School of Tropical Medicine in Calcutta ; and I would inform the Honourable Member that the School of Tropical Medicine in Calcutta is under the control of the Government of Bengal, and, therefore, the proper forum for addressing the question is the Legislative Council of Bengal and not this House.

Mr. K. Ahmed : Is it not a fact, Sir, that the most senior medical officer of that school is drawing a salary from the Government of India and is their expert on tuberculosis and also on *kala-azar* ?

Mr. G. S. Bajpai : My Honourable friend's information is rather confused. There are undoubtedly two Professors belonging to the School of Tropical Medicine in Calcutta who are paid by the Indian Research Fund Association ; but the Association is not a part of Government and therefore the fact of their being maintained by that Association does not make them servants of the Government of India.

Lieut.-Colonel H. A. J. Gidney : If the Government absolves itself from responsibility in the matter and relegates it to the Provincial Governments, will the Honourable Member kindly explain the necessity for a Public Health Commissioner and a Sanitary Commissioner with the Government of India and the issues of their annual reports ?

Mr. G. S. Bajpai : It is undoubtedly the function of Government to co-ordinate and collect for the information of the outside world the activities of the various provincial medical departments.

Lala Lajpat Rai : For the outside world only ?

Mr. G. S. Bajpai : I beg pardon ; for India also. That is one of the reasons to justify the maintenance by the Government of India of a Public Health Commissioner. In addition to that the Government of India have other activities such as central agencies for research and international responsibilities. For that reason also it is necessary to maintain a Public Health Commissioner.

Lieut.-Colonel H. A. J. Gidney : Is it not the duty of the Government of India to supply information not only to the outside world but also to inside India ?

Mr. G. S. Bajpai : I have already stated in answer to my Honourable friend, Lala Lajpat Rai, that I stood corrected, and I qualified my original statement, by saying not merely the outside world but also inside India.

The Revd. J. C. Chatterjee : Sir, will the Honourable Member inform the House what provision for registration of tuberculosis exists in Delhi, to which he has just referred ?

Mr. G. S. Bajpai : I merely base my information, Sir, on the report published by the Public Health Officer of Delhi. I presume that unless he had a machinery for registration he would not be able to produce the figures which are embodied in the report to which I have referred.

The Revd. J. C. Chatterjee : Will the Government take steps to let the public know what those means are, because hitherto they do not seem to know very much about these provisions ?

Mr. G. S. Bajpai : I am sorry, Sir, that my Honourable friend, although he resides in Delhi, is not aware of the affairs of his own city, but I shall undertake to make the inquiry to which he refers.

Lala Lajpat Rai : The Government of India also resides in Delhi.

APPOINTMENT OF INDIANS AS CONSULAR OFFICERS.

3. ***Lala Lajpat Rai** : (*a*) Will the Government of India inform the House what steps are being taken, if any, by His Majesty's Government to enrol Indians in the Consular Services of the Empire ?

(*b*) Have the Government of India made any representation to His Majesty's Government with regard to the appointment of Indians in the Consular Services of the Empire ?

(*c*) If the answer be in the negative, have the Government of India any intention of making such recommendations ?

(*d*) Are the Government of India aware that Indian tourists and traders are subjected to a great deal of annoyance and humiliations throughout the world for lack of Indian Consular Officers ?

Sir Denys Bray : (*a*), (*b*) and (*c*). No, Sir. But the questions seem based on the misapprehension that there are no Indian Consular representatives at present, whereas there are actually four.

(*d*) No, Sir. On the contrary, I constantly receive expressions of appreciation from Indian tourists and traders of the assistance afforded them by His Majesty's Consular Officers in all parts of the world.

RECRUITMENT TO THE CLERICAL AND SUBORDINATE SERVICES UNDER THE FINANCIAL COMMISSIONER OF RAILWAYS.

4. ***Mr. K. C. Neogy** : (*a*) Will Government be pleased to state if they are considering the question of placing on a proper footing the recruitment to the clerical and subordinate services in the Accounts Offices under the control of the Financial Commissioner of Railways ?

(*b*) If the answer to (*a*) be in the negative, are they aware that the Auditor General has prescribed definite rules on the subject of clerical recruitment in the offices under him and that there is also a competitive examination for accounts to regulate recruitment to the Subordinate Accounts Services ?

(*c*) Are Government prepared to consider the desirability of adopting the practice outlined in (*b*) with a view to putting a stop to the present system ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) and (*c*). Do not arise.

RECRUITMENT TO GAZETTED POSTS UNDER THE FINANCIAL COMMISSIONER OF RAILWAYS.

5. ***Mr. K. C. Neogy** : Will Government be pleased to state whether they are considering the question of entrusting to the Public Service Commission the recruitment to all the gazetted posts in the Accounts Offices under the Financial Commissioner of Railways ?

Mr. A. A. L. Parsons : The method of recruiting superior officers for the Accounts Departments of Railways, should these Departments come permanently under the control of the Financial Commissioner of Railways, is under consideration. I think it probable that recruitment will be by means of an examination which the Public Service Commission will conduct for us.

IMPORT OF FOREIGN LIQUOR.

6. ***Sir Purshotamdas Thakurdas** : Will Government be pleased to lay a statement on the table giving :

(*a*) The quantity of foreign liquor imported into India during the last five years, giving figures for each year separately,

(*b*) the amount of customs revenue derived from the importation of foreign liquor during the last five years, giving figures for each year separately,

(*c*) the names of countries from which the spirits referred to in (*a*) above were imported ?

The Honourable Sir Bhupendra Nath Mitra : A statement furnishing the information required is laid on the table.

Statement showing the quantity of foreign liquor, including denatured and perfumed spirits, imported into British India during 1923-24 to 1927-28, the amount of customs revenue derived therefrom and the important countries from which imported.

(*a*) *Quantity.*—

Year.	Beer and other fermented liquors. (1)	Wines. (2)	Spirits, all sorts, except denatured. (3)	Denatured spirit. (4)
	Galls.	Galls.	Galls.	Galls.
1923-24	2,846,316	225,336	1,300,249	366,358
1924-25	3,351,784	309,736	1,328,738	330,381
1925-26	3,510,769	274,455	1,427,001	482,901
1926-27	3,830,030	295,720	1,473,754	661,737
1927-28	4,499,814	304,141	1,403,388	911,125

NOTE.—Some of the spirit recorded under (3) is spirit which, though classified as "rum" on importation, is subsequently denatured in bond before passing into consumption.

(*b*) *Customs Revenue.*—

Year.	Potable liquors, all sorts, also perfumed spirit, etc. (1)	Denatured spirit. (2)
	Rs.	Rs.
1923-24	2,25,52,878	65,930
1924-25	2,49,90,115	42,086
1925-26	2,53,35,940	63,095
1926-27	2,60,47,770	83,714
1927-28	2,54,98,672	99,436

(*c*) *Names of countries from which bulk of imports took place.*—United Kingdom, Germany, Netherlands, France, Java and Japan.

NOTE.—Detailed information will be found in the Annual Statement of the Sea-borne Trade of British India with the British Empire and Foreign countries for 1926-27, Volumes I and II, and in the Accounts relating to the Sea-borne Trade and Navigation of British India for March 1928.

CASE OF K. C. BANERJI, AN ALLEGED C. I. D. INFORMER.

7. ***Sardar Kartar Singh** : 1. (*a*) Has the attention of Government been drawn to an article in the *Tribune* of Lahore dated 6th May 1928, headed " Spider caught in its own web. Mysterious visitor to Lahore with pistol under his shirt, conspirator or C. I. D. informer. Amazing story of Bengali youth's arrest and release. " ?

(*b*) Are the facts stated therein correct ?

2. Is it a fact that K. C. Banerji was a C. I. D. informer and that the pistol found in his possession was supplied to him by the C. I. D. and that he was instructed to give the arm to any one of the revolutionary party ?

3. Was the said K. C. Banerji convicted and sentenced to rigorous imprisonment for five years by a Magistrate at Lahore under section 20 of the Arms Act ?

4. Is it a fact that K. C. Banerji filed an appeal in the High Court of Judicature at Lahore against the said conviction and that the 21st of October 1927 was fixed for the hearing of the appeal ?

5. Is it a fact that K. C. Banerji was released before the appeal came up for hearing before the High Court ? If so, under whose orders was he released, and what were the grounds for his release ?

6. Did K. C. Banerji apply for any clemency to the Government under section 401 of the Criminal Procedure Code ? If not, on whose application, initiation, or recommendation did the Government take the action which resulted in his release ?

The Honourable Mr. J. Crerar : I have seen the article. For the remainder of his questions I must refer the Honourable Member to the

discussion on the motion for adjournment in the Punjab Legislative Council on the 10th May last, in which the matter was exhaustively discussed.

SUICIDE OF VISHNUDAS BAGAI, A HINDU ART DEALER OF SAN FRANCISCO.

8. ***Mr. M. R. Jayakar :** (*a*) Has the attention of the Government of India been drawn to the case reported in the *Bombay Chronicle* of the 7th of May, 1928, of one Vishnudas Bagai, a Hindu art dealer of San Francisco, who committed suicide by gas as a protest against the refusal of the United States Government to recognize the American citizenship which he claimed ?

(*b*) Are the Government prepared to make inquiries into the matter and ascertain whether the facts stated in that newspaper are true ?

Sir Denys Bray : (*a*) Yes.

(*b*) Enquiries have already been instituted.

DEPORTATION OF MR. MEHAR SINGH RAIT, AN INDIAN STUDENT, FROM THE UNITED STATES OF AMERICA.

9. ***Mr. M. R. Jayakar :** (*a*) Has the attention of the Government of India been drawn to the case reported in the *Bombay Chronicle* of the 4th of May, 1928, of one Mr. Mehar Singh Rait, an Indian student, who was deported by the American Government before he has had time to complete his education ?

(*b*) Is it a fact that Mr. Rait had served with the Mesopotamian Force "D" as a Hospital Storekeeper for four years during the Great War and had earned medals in that connection ?

(*c*) Are the Government prepared to make inquiries into this matter and ascertain whether the facts stated in that newspaper are true ?

(*d*) Do Government propose to take steps in the matter of Mr. Rait's grievance and obtain redress for him from the American Government in such manner as may be possible ?

Sir Denys Bray : (*a*) Yes.

(*b*) I have not been able to verify the account of Mr. Rait's war services given in the article, but see no reason to doubt it. Those war services however did not constitute him an alien veteran of the United States forces.

(*c*) There seems no need to go beyond the article itself. On the facts therein given, the situation is as follows :

> According to the United States' Immigration Act of 1917, which was in force when Mr. Rait entered America, he was within the geographical prohibition on immigration set up by section 3 and could thus only secure entry by proving that he was within one of the exempted categories. The only exceptions susceptible of applications to Mr. Rait were those in favour of "students" and of "travellers for curiosity or pleasure". Granted that Mr. Rait came within one or other of these exceptions at the time of entry he failed to remain within either, in that he earned his living as a clerk and thus became subject to the provision which lays down that persons "who fail to maintain in the United States a status or occupation placing them within the excepted classes shall be deemed to be in the United States contrary to law and shall be subject to deportation".

(*d*) However much therefore I may sympathise with Mr. Rait, the Honourable Member will, I trust, appreciate Government's inability, in view of Mr. Rait's self-confessed contravention of the American immigration laws, to attempt to obtain any redress from the United States Government for his deportation.

FIRING ON RAILWAY STRIKERS AT BAMANGACHI.

10. ***Mr. K. C. Neogy :** (*a*) Has the attention of Government been drawn to the strictures passed by the Magistrate of Howrah, in his order dated the 9th May, on the Officer Commanding the Eastern Frontier Rifles who opened fire on a crowd of railway strikers on March 28 last near Howrah ?

(*b*) Is it a fact that firing was resorted to on the orders of the Police Superintendent ; that no warning was given to the crowd before this was done ; that before the arrival of the Police Superintendent, Captain Christie proceeded to act on his own responsibility in placing pickets and regulating and stopping traffic on the road ; that there was no order to aim low, with the result that at least one man was shot through the head and that the shots were fired not at the crowd as a body but at selected persons in the crowd who were specially picked out each time by Captain Christie, who himself and not the Police Superintendent selected the direction in which to fire ?

(*c*) What inquiries, if any, have the Army authorities made in the matter, and with what result ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) All the circumstances connected with this case have been thoroughly investigated by the Government of Bengal, but they have been advised that no conclusions should be published until the completion of the trial in which one of the leaders of the strikers is being charged with perjury and bringing a false case against Mr. Mould, Deputy Chief Mechanical Engineer. In the circumstances the Honourable Member will understand that I am not able to deal with the points raised on this question.

(*c*) No inquiry has been made by the Army authorities, as the matter concerns the civil authorities. The Eastern Frontier Rifles is not a battalion of the Army, but of the Military Police.

SUPPRESSION OF A RADIO MESSAGE SENT BY MR. BERNARD HOUGHTON, A RETIRED I. C. S. OFFICER, TO THE FREE PRESS OF INDIA.

11 ***Mr. Gaya Prasad Singh :** (*a*) Are Government aware that the following radio message sent by Mr. Bernard Houghton, I.C.S., (Retired) on or about the 11th February 1928, addressed to the Free Press of India, Bombay, was withheld by the authorities :

> "Look at the past of those who sponsor the Commission. Birkenhead was the bitter enemy of Irish National Freedom. Simon supported the illegal imprisonment o

Irish in London, and last year fought the British Miners. Remember Macdonald's notorious record in India, China, and Egypt. Is it credible that these men, in their united front, intend the liberties of India? Is it not clear that they wish Indians to again co-operate in forging their own chains? Whatever their words, they have but one mind, and it is set on British domination."

(*b*) If so, do Government propose to make an enquiry as to the suppression of this message?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) The message was withheld under the authority of the Bombay Government.

SUPPLY BY THE LOCAL GOVERNMENTS OF CERTAIN INFORMATION TO THE SIMON COMMISSION.

12. ***Mr. Gaya Prasad Singh** : Is it a fact that the Government of India have asked Local Governments to supply certain information to the Simon Commission? If so, will Government be pleased to lay a copy of their communication on the table?

The Honourable Mr. J. Crerar : The invitation to submit memoranda issued by the Indian Statutory Commission on the 6th March, 1928, was addressed equally to the Government of India, the Local Governments and the general public. The Commission suggested to the Government of India that the most convenient procedure would be that the Local Governments should submit their memoranda direct to the Commission. Accordingly the Local Governments were requested by the Government of India to send the memoranda prepared by them direct to the Commission, copies being sent simultaneously to the Government of India for their information. They were further informed that it would be for each Provincial Government to decide for itself the nature of the reply which it would make to the Commission, selecting the particular matters on which it proposed to lay its views before the Commission. The Government do not propose to lay on the table a copy of their communication to the Local Governments.

Mr. Gaya Prasad Singh : Are Government aware that the Government of Bihar and Orissa have prepared a paper on the subject which is at variance with facts, and with official records in many respects?

The Honourable Mr. J. Crerar : I am not aware of it.

PROSCRIPTION OF BOOKS PUBLISHED IN ENGLAND.

13. ***Mr. Gaya Prasad Singh** : Will Government be pleased to state for the guidance of booksellers and other members of the public the names of books and their authors, published in England, but which have been proscribed by the Government?

The Honourable Mr. J. Crerar : The Honourable Member is presumably referring to books published in England, the bringing of which into British India has been prohibited under section 19 of the Sea Customs Act, 1878. The number of such books is small, and Government see no

necessity to publish a list. The prohibition of any book under the Act is always notified in the Gazette of India, and Government are prepared to furnish information to any bookseller or private individual as to whether a particular book about which such bookseller or individual may be in doubt has been proscribed. Such information will also be furnished by the India Office or the High Commissioner for India in answer to any inquiries which may be addressed to them in England.

Lala Lajpat Rai : Are the Government aware that in the absence of any list of proscribed books, sometimes people are taken by surprise, when they arrive in Bombay or Karachi, and when they are told that certain books are proscribed? Are such lists available in the office of the High Commissioner or in any other office in England or in India or anywhere else which will show to people coming back to India whether certain books are proscribed or not?

The Honourable Mr. J. Crerar : As I pointed out in my main reply, the Government of India, the India Office and the Office of the High Commissioner are always ready to reply to any inquiries which may be addressed to them.

Lala Lajpat Rai : How is a person to know that a certain book is proscribed? If you keep a list of proscribed books, certainly he will be able to know whether a particular book is proscribed or not?

The Honourable Mr. J. Crerar : I think that if any one is in doubt whether a certain book is proscribed or not, he can easily solve it by making inquiries in the matter as I have suggested.

Mr. K. Ahmed : In view of the fact that a large majority of young students, innocent as they are, who return to this country from England after completing their education abroad, fall victims, in the absence of any list of proscribed books, when their boxes are searched by customs officers, do Government propose for the benefit of the country as well as of the student population and others returning to India to supply a list of proscribed books, so that they may not purchase such objectionable books?

The Honourable Mr. J. Crerar : I am not aware that any inconvenience to the extent mentioned by the Honourable Member has been experienced.

Mr. Gaya Prasad Singh : What is the objection to publishing a list of books which are proscribed in this country so that people interested might know beforehand that those books are proscribed?

The Honourable Mr. J. Crerar : The Government of India consider that the publication in the Gazette of India, and their readiness to supply information which I have already alluded to, adequately meets the case.

Mr. Gaya Prasad Singh : Is a complete list of proscribed books published in the Gazette of India beforehand?

The Honourable Mr. J. Crerar : All books which are dealt with under this section of the law are duly notified in the Gazette of India.

Lala Lajpat Rai : Is the Honourable Member aware that there are certain books which are put in the list of proscribed books and afterwards removed? Before anybody comes to India, how is he to know whether certain books still continue to remain in the list of proscribed books or not? There are certain books originally put on the list of

Government and afterwards they are removed. Will the Honourable Member kindly explain to us what difficulty is there if the Government of India will undertake to publish only a list of books which are proscribed ?

Mr. K. Ahmed : Do you mean a list of books proscribed before a student is born, who has gone to England and is to return to India ?

The Honourable Mr. J. Crerar : I regret I cannot add anything more to what I have said already on the subject.

OPENING BY THE POST OFFICE OF LETTERS ADDRESSED TO MRS. BESANT.

14. ***Lala Lajpat Rai** : (*i*) Has the attention of the Government of India been drawn to Mrs. Besant's complaint about her letters being opened in the Post Office ?

(*ii*) Are the Government of India responsible for the order under which action was taken or did the Government of India give that order ?

(*iii*) If so, will the Government of India give the reasons for such action ?

(*iv*) Are there lists prepared under the orders of the Government of India of persons whose letters are opened ?

(*v*) If so, what are the general or special principles which are applied in selecting names for such list or lists ?

(*vi*) Is there any All-India list of persons whose letters are subjected to the process complained of by Mrs. Besant ? If so, are there any Provincial lists besides ?

(*vii*) Has the Home Department of the Government of India any control over the process of opening letters, examining their contents and disposing of them ? If so, what kind of control has the Home Department, and who performs that function ?

(*viii*) What kind of officers open these letters ?

(*ix*) What kind of officers read them ? Are all the letters addressed to the gentlemen whose names are on the list, opened or only some ? If the latter, how is the selection made ?

(*x*) What kind of letters are detained and not delivered ?

(*xi*) Why is not the fact of the letters having been opened stated on the cover ?

(*xii*) Do the Government of India propose to make a statement of general policy about this matter and do they propose to take steps to prevent the annoyance that is caused to people engaged in constitutional agitation by this process ?

The Honourable Mr. J. Crerar : (*i*) to (*iii*). I invite the Honourable Member's attention to my answer to Mr. Ranga Iyer's unstarred question No. 2 of to-day's date on the subject.

(*iv*) to (*vi*). I invite the Honourable Member's attention to my answer to Mr. Ranga Iyer's unstarred question No. 3 of to-day's date, which explains the discretion of the various Governments and the principles by which they are bound.

(*vii*) to (*xii*). The Government of India in the Home or any other Department or any Local Government are empowered to issue orders under section 26 (*1*) of the Indian Post Office Act. No general orders have been issued as to procedure, which will depend on the instructions given in any particular case to the postal officials and on the nature of the case.

Pandit Hirday Nath Kunzru : May I ask whether the Honourable Member is in order in replying to a starred question by referring to the answer given to an unstarred question put on the same day ? Is he not bound to give full information in reply to a starred question ?

Mr. President : I think Honourable Members have an advantage in having with them previously replies to unstarred questions.

Several Honourable Members: No, Sir ; we have not got replies to unstarred questions as yet.

Lala Lajpat Rai : Is the Honourable Member aware that there is a great deal of excitement over this question ? Is he aware that in almost every important post office in India there is a censor put up who opens letters and then reposts them ? Is that within the authority of the Government of India ?

The Honourable Mr. J. Crerar : As I pointed out, it is impossible to lay down any general procedure in the matter. Individual cases or classes of cases must be dealt with according to their nature. We constantly lay down a general policy or general procedure, because obviously this is not a matter in which a routine procedure could be adopted.

Lala Lajpat Rai : I am asking for information; it is not a question of policy at all. Is it a fact or not that in Lahore and Delhi Post Offices there is a postal censor who opens letters, reads them and replaces them and re-addresses them ? Is it a fact or not ?

The Honourable Mr. J. Crerar : I have no information.

Lala Lajpat Rai : The Government of India ought to have information on such an important subject as this.

Pandit Hirday Nath Kunzru : May I ask, Sir for your decision on the point of order I raised ?

Mr. President : I think the Honourable Member is quite right. The Government should take care that in their replies to starred questions they make no reference to replies given on the same day to unstarred questions.

The Honourable Mr. J. Crerar : May I say one word, Sir ? I do feel that I owe an apology to the Honourable Member. It escaped my notice that there was a reference to an unstarred question in my reply. I quite see the inconvenience to Honourable Members. In future I shall see that references to unstarred questions which are not already in possession of Honourable Members will not be included in replies to starred questions.

Mr. C. S. Ranga Iyer : May I request the Honourable Member to put us in possession of answers to unstarred questions every day before we come to the House ?

The Honourable Mr. J. Crerar : I shall take note of the Honourable Member's suggestion.

DISMISSAL OF MR. B. L. DEROZARIO, LATE DEPÔT STOREKEEPER, ALAMBAGH.

15. ***Maulvi Muhammad Yakub** : (*a*) With reference to the replies to parts (*a*), (*b*) and (*c*) by Mr. A. A. L. Parsons to my starred question No. 286 in the Legislative Assembly on the 23rd February 1928, will the Government be pleased to furnish :

(*i*) instances of Mr. B. L. deRozario, late Depôt Storekeeper, Alambagh, having given delivery of *any* brass material to the auction purchasers of March 1922 ;

(*ii*) of his being in league with other employees in committing the alleged fraud ; and

(*iii*) of any wilful intent on his part to defraud ?

(*b*) Is it a fact that the Railway authorities made no joint departmental enquiry of their own as is done in all such cases ?

(*c*) Will Government be pleased to furnish, in addition to extract of Controller of Stores, Oudh and Rohilkhand Railway's office order No. G. 90, dated 6th December 1921 (already received on 3rd May 1928), appointing Mr. deRozario as Depôt Storekeeper, Charbagh, on Rs. 250 per mensem, a copy of the office order issued by the Controller of Stores, Oudh and Rohilkhand Railway Office, detailing the duties of a Depôt Storekeeper, by which Mr. deRozario was directly responsible, as Depôt Storekeeper, for the loss of the brass material said to have occurred in March 1922 ?

RESPONSIBILITY OF GAZETTED OFFICERS IN DIRECT CHARGE OF EACH STORES DEPÔT OF THE LATE OUDH AND ROHILKHAND RAILWAY.

16. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that after the retirement from railway service of Mr. G. A. Roach, Depôt Storekeeper, Charbagh Depôt, on Rs. 400 per mensem and Lala Nathoo Ram, Depôt Storekeeper, Alambagh Depôt, on Rs. 300 per mensem—both upper subordinates of the Stores Department, Lucknow,—in the year 1914, each Stores Depôt of the Oudh and Rohilkhand Railway, Lucknow was placed in direct charge of a gazetted officer by Mr. D. E. Keatinge, the then Chief Storekeeper, and that this system was strictly adhered to by Mr. Keatinge and his *six successors as well*, right up to July 1925, the date of amalgamation of the Oudh and Rohilkhand Railway with the East Indian Railway ?

(*b*) If so, what share of responsibility devolved on the gazetted officer, for the deliveries of valuable auction material such as brass, copper, zinc and lead ?

Mr. A. A. L. Parsons : I propose, with your permission, to answer questions Nos. 15 and 16 together. Government regret that they cannot undertake to collect the further information required. I would remind the Honourable Member that he has been given very full information with regard to this case in the replies to his questions No. 237 of 24th August 1927 and No. 286, dated 23rd February 1928, in which he was informed that though the Special Police Investigating Officer secured proof that Mr. deRozario had been implicated in certain fraudulent transactions it was decided to deal with him departmentally ; a charge sheet was given to him and his services were dispensed with by the railway authorities because he was unable to give satisfactory replies to the charges brought against him. The Honourable Member was also informed of the disciplinary action taken against the gazetted officer who, at the time of the fraud, held charge over the Charbagh Stores Department.

CONSTRUCTION OF THE SINGHAJANI-TANGAIL-PINGNA RAILWAY.

17. ***Mr. A. H. Ghuznavi** : (*a*) Has the traffic survey with regard to the proposed Singhajani-Tangail-Pingna Railway which the Government stated on September 1, 1927, would be undertaken been completed ? (*Vide* Assembly Debates of September 1927, Volume IV, No. 54, page 3812.)

(*b*) Will the Government please make a statement as to the nature of the results of the survey ?

(*c*) If the results of the survey are satisfactory, do Government propose to expedite the construction of the line ?

Mr. A. A. L. Parsons: I understand that the traffic survey and a revised engineering estimate have been completed and that they show estimated net earnings of Rs. 3,53,000 and capital cost of rather over 70 lakhs. But the estimate of net earnings does not take into account the effect of the Dacca-Aricha Railway, if that railway is constructed ; and in fact the whole position as regards railway development in Eastern Bengal will in that event be considerably modified. I am unable therefore to say at present whether, and, if so, at what approximate date, this line will be taken up.

THE DACCA-ARICHA RAILWAY.

18. ***Mr. A. H. Ghuznavi** : (*a*) Will the Government be pleased to make a statement in regard to the Dacca-Aricha Railway project with reference to their reply to my question on the subject on February 1, 1928 (*vide* Assembly Debates, Volume I, page 87) ?

(*b*) Have the Railway Board considered the report and the estimates submitted by the Agent of the Eastern Bengal Railway and with what results ?

(*c*) If the Railway Board have approved of the scheme, when do the Government propose to take the matter in hand ?

Mr. A. A. L. Parsons : The Railway Board have considered the report and estimates of the Dacca-Aricha Railway project, and the Government of India have addressed the Secretary of State on the subject.

19.†

PROVISION OF A WAITING ROOM AT SERAJGANJ GHAT STATION ON THE EASTERN BENGAL RAILWAY.

20. ***Mr. A. H. Ghuznavi** : (*a*) Are the Government aware that at Serajgunj Ghat station on the Eastern Bengal Railway there is no waiting room for the travelling public ?

(*b*) Are the Government aware that Serajgunj Ghat Road station has no shelter for passengers in bad weather ?

(*c*) If so, do Government propose to take steps to provide a waiting room at Serajgunj Ghat station at an early date ?

† Withdrawn.

Mr. A. A. L. Parsons: Government are not aware of the detailed arrangements at Serajganj Ghat station, but have sent a copy of the Honourable Member's question to the Agent of the Eastern Bengal Railway in order that he may consider whether any alterations are desirable.

RESERVATION OF COMPARTMENTS ON STATE RAILWAYS.

21. ***Mr. A. H. Ghuznavi**: (*a*) Are the Government aware that different railways have different rules in regard to the reservation of compartments ?

(*b*) Do Government propose to take steps to remedy this and introduce uniform rules for all State Railways ?

Mr. A. A. L. Parsons: (*a*) Yes.

(*b*) Government do not consider it necessary to have a uniform practice on all railways in a matter of this kind. The practice on each railway must be determined by local conditions.

Mr. K. Ahmed: Do Government propose to have a uniform rule for reservation of compartments as far as State Railways are concerned ?

Mr. A. A. L. Parsons: No, Sir. As I explained in my answer, it is not a matter in which Government consider uniformity either necessary or desirable.

Mr. K. Ahmed: Are the Government aware that the public will have a very bad opinion of the Government, because in the case of the train that goes from Delhi to Calcutta you can reserve your berth without any cost, while if you book from Calcutta to Delhi you have to pay a reservation fee of eight annas and purchase the ticket in advance ? Does the Honourable Member realise it ?

APPOINTMENT OF SEPARATE BOOKING CLERKS AT DELHI FOR THE GREAT INDIAN PENINSULA AND BOMBAY, BARODA AND CENTRAL INDIA RAILWAYS.

22. ***Mr. A. H. Ghuznavi**: (*a*) Are the Government aware that at the Delhi station there is only one booking clerk for both the Great Indian Peninsula and the Bombay, Baroda and Central India Railways to the great inconvenience of the travelling public ?

(*b*) Are Government prepared to take steps to provide a booking clerk for each of the railways ?

Mr. A. A. L. Parsons: (*a*) and (*b*). Government do not receive information as to the number of booking clerks employed at individual stations, but they have sent a copy of the Honourable Member's question to the Agent of the North-Western Railway—the arrangements at Delhi Main station are under the control of the North-Western Railway Administration—and have asked him to see that such action as may be found to be required is taken.

Mr. M. S. Aney: Will the Government be pleased to submit whatever reply may be received by the railway authorities from the Agent concerned to the Members of this House ?

Mr. A. A. L. Parsons: I am quite prepared to let Mr. Ghuznavi know what the reply is, if the Agent sends us a reply.

PROVISION OF FANS IN SECOND CLASS CARRIAGES ON THE BOMBAY, BARODA AND CENTRAL INDIA RAILWAY.

23. ***Mr. A. H. Ghuznavi**: (*a*) Are the Government aware that in some of the second class carriages on the Bombay, Baroda and Central India Railway no fans are provided ?

(*b*) In view of the fact that in the heat of the summer months the absence of fans in these carriages is a great inconvenience to the travelling public, are Government prepared to take steps to remedy this ?

Mr. A. A. L. Parsons: (*a*) Yes.

(*b*) Government understand that the Agent of the Railway is taking steps to provide fans where they are not at present provided.

PROVISION OF LATRINES IN SERVANTS' COMPARTMENTS ON THE GREAT INDIAN PENINSULA AND EAST INDIAN RAILWAYS.

24. ***Mr. A. H. Ghuznavi**: (*a*) Are the Government aware that both in the Great Indian Peninsula and the East Indian Railway trains no privies are provided in the servants' compartments ?

(*b*) Are the Government aware that this is a great hardship for the servants especially when they have to travel over long distances at a stretch ?

(*c*) Do Government propose to take steps to remedy this ?

Mr. A. A. L. Parsons: (*a*), (*b*) and (*c*). Government are aware that a good many of the present servants' compartments on the Great Indian Peninsula and East Indian Railways have no privies, but privies are being provided in the servants' compartments of all the new standard carriages.

RETIRING ROOMS AT STATIONS ON THE DIFFERENT STATE RAILWAYS.

25. ***Mr. A. H. Ghuznavi**: (*a*) Will the Government be pleased to make a statement as to the number of stations in which retiring rooms are provided under the different State Railways in India ?

(*b*) Are Government prepared to take steps to provide more such rooms at an early date ?

Mr. A. A. L. Parsons: The Railway Board understand that there are at present retiring rooms at two stations on the North-Western Railway, and at one on the East Indian Railway. They have asked the Agents of the State-managed Railways to consider the question of providing such rooms at other stations where it appears probable that the expense will be justified by the use made of the rooms.

UNSUITABLE RETIRING ROOMS AT AJMER.

26. ***Mr. A. H. Ghuznavi**: (*a*) Are the Government aware that the retiring rooms at Ajmer are not comfortable owing to their large size ?

(*b*) Are Government prepared to take steps to improve these rooms by remodelling and altering them, by cutting up the existing rooms into smaller compartments suited to the convenience of the public ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Government are not aware of the detailed arrangements at Ajmer, but have sent a copy of the Honourable Member's question to the Agent of the Bombay, Baroda and Central India Railway for any action which he may think necessary.

Rai Sahib Harbilas Sarda : Have the Government received any information or any complaint from any body at Ajmer that the rooms are large ? I do not think the rooms are too large and nobody has ever complained that the rooms are in any way unsuitable.

Mr. A. A. L. Parsons : I am not aware that any complaint has been received, Sir. On the other hand, as I am sending him a copy of the question, the Agent will no doubt be able to decide the matter.

PROVISION OF COMPLAINT BOOKS IN FIRST AND SECOND CLASS CARRIAGES ON ALL TRAINS.

27. ***Mr. A. H. Ghuznavi** : Do Government propose to provide a complaint book on all trains (in the first and second class carriages) in order that passengers might note in them any defects with regard to the supply of water, lights and fans with instructions that in all terminus stations these books should be inspected by proper authorities and action should be taken on them ?

Mr. A. A. L. Parsons : The Railway Board are consulting Railway Administrations on the Honourable Member's suggestion.

Mr. N. M. Joshi : May I ask, Sir, whether the Government will consider the desirability of keeping complaint books in the third class compartments also ?

Mr. A. A. L. Parsons : I very much doubt if they would utilise them, Sir.

ELECTRIFICATION OF THE CALCUTTA RAILWAYS.

28. ***Mr. A. H. Ghuznavi** : (*a*) Will the Government make a statement as to the present position of the scheme for the electrification of the Calcutta Railways ?

(*b*) Are the Government aware that the electrification of the Bombay Railways has not only been financially profitable but has also been a great advantage to the travelling public and has removed the serious congestion from which the people of the town of Bombay were suffering ?

(*c*) Are the Government aware that there is a congestion in Calcutta in regard to its population and that house-rents for ordinary people are prohibitive ?

(*d*) In view of the facts referred to in parts (*b*) and (*c*) above, do Government propose to take steps to introduce electrification of the railways in Calcutta and its suburbs and thus remove the congestion of this city as well ?

Mr. A. A. L. Parsons : (*a*) The Railway Board have recently received from their Consulting Electrical Engineers their observations on the electrical side of the scheme and also a revised estimate of the cost of the civil engineering side of the scheme from an officer whom they placed on special duty for this purpose. They are at present considering these reports.

(*b*) Government believe that the electric services in Bombay have been appreciated by the public and have tended to remove congestion. They anticipate that they will prove a financial success.

(*c*) Government are not prepared to express an opinion on these matters which are more within the province of the Provincial Government.

(*d*) As the Honourable Member will have learnt from my answer to part (*a*) of his question, the question of electrifying the lines in the neighbourhood of Calcutta is actively under the consideration of the Railway Board.

CONTRIBUTIONS TO THE PRESS BY GOVERNMENT SERVANTS.

29. ***Lala Lajpat Rai** : (*a*) Will the Government of India state if they have made any rules by which writing for the Press by Government servants is regulated ?

(*b*) Are Government aware that large amounts of money are earned by Government servants, by writing for the Anglo-Indian papers, based on knowledge obtained from Government records ?

The Honourable Mr. J. Crerar : (*a*) I would invite the Honourable Member's attention to rules 17, 18 and 19 of the Government Servants' Conduct Rules a copy of which is available in the Library of the House.

(*b*) Government have no reason to believe that large sums of money are earned in the way suggested. The question of remuneration in such cases is a private matter for arrangement between the contributor and the newspaper.

CONTRIBUTIONS TO JOURNALS IN INDIA OF ARTICLES REGARDING THE DISCOVERIES MADE BY THE ARCHÆOLOGICAL DEPARTMENT DURING 1927.

30. ***Lala Lajpat Rai** : (*a*) Will the Government state what they mean by reserving the copyright of a pamphlet known as " Exhibition of Antiquities discovered by the Archæological Department during the year 1926-27 " ?

(*b*) Are Government aware that articles based on these discoveries have been contributed to different journals in India and outside, illustrated by pictures taken of the things discovered and unearthed, by the highly paid officers of the Archæological Department ? Were these officers paid for the articles ? Will the Government give their names and the amounts earned by them ?

Mr. G. S. Bajpai : (*a*) The pamphlet referred to by the Honourable Member was made copyright only to prevent its publication before its contents had been discussed at a conference of archæological experts. As soon as the conference had finally settled its terms, the " copyright " was withdrawn.

(*b*) Officers of the Archæological Department are allowed at present to contribute illustrated as well as unillustrated articles to the Press on payment. The question of revising the existing orders on the subject is under consideration.

Lala Lajpat Rai : Was the fact of the withdrawal of the copyright announced in the papers ?

Mr. G. S. Bajpai : The fact that the contents of this copyright book were communicated to the newspapers was tantamount to the withdrawal of the copyright reservation.

RESTORATION AND PRESERVATION OF THE BUILDINGS CONNECTED WITH THE MEMORIES OF RANI LAXMI BAI OF JHANSI.

31. ***Lala Lajpat Rai** : (*a*) Will the Government of India state if the places and buildings of the Hindu rulers of Jhansi are protected monuments within the Protected Monuments Acts ?

(*b*) Are Government aware that Rani Laxmi Bai of Jhansi is held in great reverence and esteem by the Hindus of Bundelkhand ?

(*c*) Do Government propose to restore and preserve the buildings connected with the memories of Rani Laxmi Bai's times ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) Yes.

(*c*) Government are considering the matter.

OPENING OF PORTS IN INDIA TO THE PILGRIM TRAFFIC.

32. ***Mr. A. H. Ghuznavi** : (*a*) Will the Government be pleased to state the names of the ports of India open to the traffic of pilgrims to Mecca ?

(*b*) Is it a fact that the port of Calcutta was open to pilgrim traffic in the year 1927 and that it was closed down in 1928 ?

(*c*) Will the Government be pleased to state why the port of Calcutta was closed to such traffic ?

(*d*) Are the Government aware that the pilgrims are hard hit by having to travel to Bombay for sailing for Mecca ?

(*e*) Do Government propose to open the different ports of India like Calcutta, Madras, Karachi, Chittagong and Bombay to such traffic ?

Mr. G. S. Bajpai : (*a*) Bombay, Karachi and Calcutta.

(*b*) and (*c*). The port of Calcutta was open to pilgrim traffic in 1927 and also in 1928.

(*d*) Bombay not being the only port open to pilgrim traffic, pilgrims may embark at Calcutta or Karachi, if they do not wish to travel to Bombay.

(*e*) As I have already replied, Bombay, Karachi and Calcutta are already open to pilgrim traffic. The question of opening Chittagong and Madras has been considered by the Government of India on several occasions, but they have not been convinced of the necessity of adopting this course.

HARASSMENT OF PILGRIMS BY MOALLEMS.

33. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware that the *Moallems* by their activities harass the pilgrims especially financially by taking them to Bombay ?

(*b*) Do Government propose to make a law for restricting the activities of *Moallems*, making it obligatory for them to take out a proper licence from a committee to be constituted for this purpose ?

Mr. G. S. Bajpai : (*a*) and (*b*). Reports on the subject referred to by the Honourable Member and suggestions for dealing with it have been received from the Government of Bengal and are under consideration by the Government of India.

STEAMER FARES TO JEDDAH FROM DIFFERENT INDIAN PORTS.

34. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware that the Haj pilgrims are hard hit by the absence of any fixed rates in regard to the steamer fares to Jeddah from different Indian ports ?

(*b*) Do Government propose to take steps to fix rates of fares for the different steamer services from Indian Ports to Jeddah ?

Mr. G. S. Bajpai : (*a*) and (*b*). The reply to both parts of the question is in the negative.

UNBOOKED LUGGAGE OF THIRD CLASS PASSENGERS.

35. ***Mr. A. H. Ghuznavi** : (*a*) Are the Government aware that third class passengers are subjected to great hardship when their unbooked luggage is detected by the railway crewmen on the way ?

(*b*) Are Government aware that most of the third class passengers are not conversant with the railway rules ?

(*c*) Do Government propose to revise the rules in regard to the charging of freight from passengers with unbooked luggage ?

Mr. A. A. L. Parsons : Government are aware of the existence of some dissatisfaction with the existing rule under which the free allowance of luggage is forfeited when a passenger is found with excess luggage for which no payment is made at the starting station ; and the question whether the rule should be altered is at present being considered by the Indian Railway Conference Association.

RESULTS OF THE I. C. S. EXAMINATION HELD IN INDIA IN 1928.

36. ***Dr. B. S. Moonje** : (*a*) Will Government be pleased to state the result of the competitive examination held this year in India for selection of Indian students for appointment to the Indian Civil Service ?

(*b*) How many Indian students appeared for the Examination ?

(*c*) How many of them were Hindus, Moslems and Christians ?

(*d*) How many were successful in being appointed to the Indian Civil Service ?

(*e*) How many of these successful students were Hindus, Muhammadans and Christians, and how many marks did each of them get in the examination ?

(*f*) Will Government be pleased to state the names of the students (with the number of marks obtained by each) who stood high in the list and from amongst whom students were selected and appointed to the Indian Civil Service ?

The Honourable Mr. J. Crerar : (*a*) and (*f*). I will furnish the Honourable Member with a copy of the table of the results of the examination.

(*b*) The number of candidates appearing at the examination, which is restricted to persons of Indian domicile, was 124

(*c*) Hindus 85, Muhammadans 25, and Christians 7.

(*d*) and (*e*). Six Hindus were appointed on the result of the competitive examination. Seven others, *viz.*, 4 Muhammadans, 2 Burmans and one Sikh, whose names have already been announced, were subsequently appointed by nomination. The table which I am sending the Honourable Member will show him the number of marks secured by each. No Christian was appointed.

Nawab Sir Sahibzada Abdul Qaiyum : May I know, Sir, who are the examiners who set the papers and who correct and mark the answer papers, and whether there are any Indians on the Board, and, if so, how many of them are Moslems and how many Hindus ?

The Honourable Mr. J. Crerar : The general arrangements for the examination are in charge of the Public Service Commission.

Nawab Sir Sahibzada Abdul Qaiyum : I am asking about the examiners who set the papers and correct and mark the answer papers.

The Honourable Mr. J. Crerar : I am afraid I cannot answer that question without a very great deal of research.

EXAMINATION FOR CERTIFICATES AS FIRST AND SECOND CLASS MINES MANAGERS.

37. ***Dr. B. S. Moonje** : (*a*) Will Government be pleased to state in connection with the granting of first and second class Mining Manager's Certificates by the Board of Examiners appointed by the Governor General in Council, the number of Indian students who appeared each year during the last 5 years for the prescribed examination for such certificates ?

(*b*) How many of them were successful in each year in getting the certificates ?

(*c*) How many of those who have been fortunate enough in getting such certificates are now employed as Mining Managers ?

(*d*) Who conducts the actual examination of students, the Board or any other agency set up by it ?

(*e*) What are the subjects prescribed for the examination and the rules, if any, connected therewith ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). I lay on the table a statemnet giving the required particulars.

(*c*) Of those Indians who secured certificates in the years 1923 to 1927, 13 holding first class certificates and 43 holding second class certificates are at present managers of mines.

(*d*) The examinations are conducted by local examiners appointed by the Board of Examiners.

(*e*) The information is contained in the Rules on the subject made by the Board of Examiners. A copy of the Rules has been sent to the Honourable Member.

Statement showing the number of Indians who appeared at the examinations for Coal Mine Managers' Certificates, and the number to whom certificates were awarded, during each of the years 1923-27.

Years.	First Class.		Second Class.	
	No. of Indians who appeared.	No. of Indians who obtained certificates.	No. of Indians who appeared	No. of Indians who obtained certificates.
1923	87	5	265	34
1924	88	5	326	27
1925	101	6	386	16
1926	91	6	371	12
1927	69	4	194	23

RECEPTION ACCORDED TO THE SIMON COMMISSION IN INDIA.

38. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state whether any official report of the reception accorded to the Simon Commission in India has been sent to the Secretary of State for India ?

(*b*) If so, will the Government be pleased to lay it on the table ?

The Honourable Mr. J. Crerar : (*a*) The answer is in the negative.

(*b*) Does not arise.

Mr. Lalchand Navalrai : Was any confidential report made then ?

The Honourable Mr. J. Crerar : The answer is in the negative. No such report was made at all.

GOVERNMENT'S DISAPPROVAL OF THE ALLEGATIONS MADE BY MISS MAYO IN HER BOOK "MOTHER INDIA" AGAINST INDIANS.

39. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state whether any steps have been taken by Government to express their disapproval of the allegations made by Miss Mayo in her book "Mother India" against Indians ?

(*b*) If not, do Government propose to take any such steps ?

The Honourable Mr. J. Crerar : I would invite the Honourable Member's attention to the answers given by me in this House on the 20th September 1927 to the questions asked on the subject.

Mr. Lalchand Navalrai : That was only an advice given at that time. Will the Government take any steps to express its own approval or disapproval ? That was only an advice given to local agencies to pronounce condemnation of the book. But my further question is, whether Government is prepared to take upon itself to express its condemnation or disapproval of this scurrilous book.

The Honourable Mr. J. Crerar : On the occasion to which I have referred I answered a very large number of questions at very great length and I defined the position of the Government on that occasion. I regret that I have nothing further to add on the present occasion.

Mr. K. Ahmed : I take it that it is not the duty of the Government of India to express disapproval.

Mr. Lalchand Navalrai : My supplementary question, Sir. Does the Government approve of that book ?

The Honourable Mr. J. Crerar : The Honourable Member is asking for an opinion. I am not prepared to express any opinion.

Mr. Gaya Prasad Singh : You are not prepared to express disapproval also ?

INTERCEPTION OF THE LETTERS OF MR. RASH BEHARI BOSE.

40. ***Mr. Lalchand Navalrai** : (*a*) Has the attention of the Government been drawn to the letter of Mr. Rash Behari Bose, dated 7th April 1928, appearing in the *National Herald* of Bombay, dated 24th May 1928 (dak edition)—on page 3 ?

(*b*) Will the Government be pleased to state whether the allegations regarding the interception of his private letters contained in that copy of the *Indian National Herald* are correct ?

(*c*) If so, will the Government be pleased to state :

(*i*) whether the letters are being intercepted by any order issued by Government ?

(*ii*) whether the Government have found in those letters anything objectionable ? If yes, will the Government be pleased to place those letters on the table ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) and (*c*). The correspondence of Rash Behari Bose is being intercepted under the orders of Government. He absconded from India in order to avoid prosecution on charges of conspiracy to wage war against the King and murder. Government are not prepared to make any statement regarding the contents of letters written to or by this man, who, according to admissions made in the letter to which the Honourable Member refers, is continuing his revolutionary activities from abroad.

ANTI-INDIAN PROPAGANDA.

41. ***Mr. Lalchand Navalrai** : (*a*) Has the attention of the Government been drawn to an editorial note under the heading of " Anti-Indian Propaganda " appearing in the *People* of Lahore, dated 17th May 1928 ?

(*b*) Do Government propose to take any action against the said H. V. Millington (General Post Office, Calcutta, India) ?

The Honourable Mr. J. Cerar : (*a*) I have seen the article.

(*b*) Mr. Millington is not known at the General Post Office, Calcutta.

SIND LAND ALIENATION BILL.

42. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state whether any correspondence has passed between the Bombay Government and the Government of India with respect to the proposed Sind Land Alienation Bill ?

(*b*) If so, will the Government be pleased to place it on the table ?

Mr. G. S. Bajpai : (*a*) The reply is in the negative.

(*b*) Does not arise.

PRESENTATION OF VALUABLE FINDS MADE AT MOHENJO-DARO TO THE BRITISH MUSEUM.

43. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state how much in all has been spent up to the present time on the excavations of Mohenjo-daro in Sind ?

(*b*) Is it a fact that the Government have sent out or intend sending out jewellery and other precious finds to be kept in the British Museum, London ? If so, why ?

(*c*) Do the Government propose to have the rest of the mounds in the area of Mohenjo-daro excavated ? If so, when and what would be the probable cost thereof ?

Mr. G. S. Bajpai : (*a*) About Rs. 160,000 up to the end of May 1928.

(*b*) No.

(*c*) Yes, from now onwards. The cost of the work will be about half a lakh a year, but the total amount, which will depend on the complete period for which excavation goes on, cannot be estimated with any approach to accuracy at this stage.

Mr. Lalchand Navalrai : Will Government establish a museum at Mohenjo-daro ?

Mr. G. S. Bajpai : I would like to have notice of that question. I cannot answer off hand whether Government will consider the suggestion or not.

WAITING ROOMS FOR INTERMEDIATE CLASS PASSENGERS AT STATIONS ON THE SIND SECTION OF THE NORTH-WESTERN RAILWAY.

44. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state if waiting rooms for intermediate class passengers (men and women) are provided for on the Sind section of the North-Western Railway ?

(*b*) If yes, will the Government be pleased to state the names of the stations ?

(*c*) Will the Government be pleased to state when they propose to provide such waiting rooms on stations which do not possess the same ?

Mr. A. A. L. Parsons : (*a*) and (*b*). Waiting rooms are not generally provided on this section at present. There is one for ladies at Shikarpur.

(*c*) The Railway Administration alone can judge whether the traffic justifies provision of a waiting room at any particular station and I have sent a copy of the Honourable Member's question to the Agent, North-Western Railway.

WAITING ROOMS FOR FIRST AND SECOND CLASS PASSENGERS AT STATIONS ON THE SIND SECTION OF THE NORTH-WESTERN RAILWAY.

45. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state the names of the stations on the North-Western Railway (Sind section) including flag stations which do not possess waiting rooms for first and second class passengers ?

(*b*) Do Government propose to construct waiting rooms for first and second class passengers on these stations ?

(*c*) Which stations on the North-Western Railway (Sind section) are provided with rest rooms only and no first and second class waiting rooms ?

(*d*) Are the Government aware that rest rooms are generally refused to first and second class passengers which causes great inconvenience to them ?

(*e*) Are Government prepared to issue general orders that where no waiting rooms exist, the rest rooms should be thrown open to first and second class passengers ?

Mr. A. A. L. Parsons : (*a*) and (*c*). I am sending the Honourable Member the list of the stations.

(*b*) No.

(*d*) and (*e*). The rest rooms provided at certain stations are for the use of railway officials on duty. Government are not aware of any inconvenience caused to first and second class passengers on this account and are not prepared to issue the general orders suggested.

Mr. Lalchand Navalrai : Will Government be pleased to provide waiting rooms positively where there are no waiting rooms or rest rooms ? Is Government going to do that ?

Mr. A. A. L. Parsons : As I have explained, Sir, the provision of waiting rooms or rest rooms is a matter which we leave to the Agents. I am prepared to send a copy of the Honourable Member's question to the Agent of the North-Western Railway together with a copy of the question which he has just put to me, but the decision must be left to the Agent.

Mr. K. Ahmed : Will the Honourable Member convey the reply which he will receive from the Agent to the Honourable Member (the questioner) ?

Mr. A. A. L. Parsons : I was careful to word my reply so as not to impose upon the Agent the necessity of giving me an answer.

PROVISION OF FANS IN INTERMEDIATE AND THIRD CLASS CARRIAGES ON THE NORTH-WESTERN RAILWAY.

***Mr. Lalchand Navalrai** : (*a*) Are the Government aware of the urgent need of fans in the intermediate and third class carriages on the North-Western Railway ?

(*b*) Are the Government prepared to take early steps to provide fans in the intermediate and third class carriages on the Punjab and Sind sections ?

Mr. A. A. L. Parsons : (*a*) and (*b*). No.

For the views of Government on this question I would refer the Honourable Member to the replies given to Khan Bahadur Sarfaraz Hussain Khan's questions Nos. 1160 and 1161 on the 25th of March 1927.

PROVISION OF A SHED ON THE PLATFORM ON SHIKARPUR STATION ON THE NORTH-WESTERN RAILWAY.

47. ***Mr. Lalchand Navalrai** : (*a*) Are the Government aware of the necessity of a shed on the platform of the Shikarpur station in Sind on the North-Western Railway ?

(*b*) Do Government propose to provide that station with a shed at an early date in view of its importance ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) Small matters of this kind are left to the Agent, to whom a copy of the Honourable Member's question has been sent.

Mr. Lalchand Navalrai : Will the Government ask the Agent to expedite the putting up of the shed ?

Mr. A. A. L. Parsons : No, Sir. I think it is a matter which can very well be left to the Agent's discretion.

ESTABLISHMENT IN SIND OF A TRAINING SCHOOL FOR SUBORDINATES OF THE NORTH-WESTERN RAILWAY.

48. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state how many training schools for railway subordinates there are on the North-Western Railway and where ?

(*b*) Are Government aware that there is great necessity of such a training school for railway subordinates on the North-Western Railway (Sind section) being established in Sind ?

Mr. A. A. L. Parsons : (*a*) One, temporarily located at Lyallpur, but about to be transferred to Kot Lakhpat.

(*b*) No.

NUMBER OF TRAFFIC INSPECTORS ON THE NORTH-WESTERN RAILWAY DRAWING RS. 320 TO RS. 500 PER MENSEM.

49. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to state the total number of posts of Traffic Inspectors (Transportation Branch) on the North-Western Railway drawing rupees 320 to 500 *per mensem* ?

(*b*) How many of these are Hindus, Muhammadans, Parsis, Goanese, Eurasians and Europeans ?

(*c*) How many of them are permanent and how many officiating ?

NUMBER OF STATION MASTERS IN CLASSES IV, V, VI, VII AND VIII ON THE NORTH-WESTERN RAILWAY.

50. ***Mr. Lalchand Navalrai**: (*a*) **Will the Government be pleased** to state the number of station masters in the following cadre on the North-Western Railway ?

CADRE.

Class.	*Pay.* Rs.
iv	200—10—250
v	250—10—300
vi	330—15—350
vii	360—20—400
viii	425—25—500

(*b*) How many are permanent and how many officiating ?

(*c*) How many of these are Hindus, Muhammadans, Parsis, Goanese, Eurasians and Europeans ?

NUMBER OF GUARDS, CLASS IV, ON THE NORTH-WESTERN RAILWAY.

51. ***Mr. Lalchand Navalrai**: (*a*) Will the Government be pleased to state how many guards there are on the North-Western Railway in the following cadre ?

CADRE.

Class.	*Pay.* Rs.
iv	125—10—185—200—210

(*b*) How many of these are permanent and how many officiating ?

(*c*) How many of these are Hindus, Muhammadans, Parsis, Eurasians and Europeans ?

NUMBER OF DRIVERS, CLASS IV, ON THE NORTH-WESTERN RAILWAY.

52. ***Mr. Lalchand Navalrai**: (*a*) Will the Government be pleased to state how many drivers there are on the North-Western Railway in the following cadre ?

CADRE.

Class.	*Pay.* Rs.
iv	140—10—220—10|2 years 230.

(*b*) How many of these are permanent and how many officiating ?

(*c*) How many of these are Hindus, Muhammadans, Parsis, Goanese, Eurasians and Europeans ?

NUMBER OF PERMANENT WAY INSPECTORS IN CLASSES II, III, IV AND V ON THE NORTH-WESTERN RAILWAY.

53. ***Mr. Lalchand Navalrai**: (*a*) Will the Government be pleased to state how many Permanent Way Inspectors there are on the North-Western Railway in the following cadre ?

CADRE.

Class.	*Pay.* Rs.
ii	400—25—450
iii	475—25—500
iv	550—25—600
v	625—25—675

(*b*) How many of these are permanent and how many officiating ?

(*c*) How many of these are Hindus, Muhammadans, Parsis, Goanese, Eurasians and Europeans ?

NUMBER OF SIGNAL AND INTERLOCKING, AND BLOCK SIGNAL INSPECTORS ON THE NORTH-WESTERN RAILWAY DRAWING FROM RS. 400 TO RS. 675 PER MENSEM.

54. ***Mr. Lalchand Navalrai**: (*a*) Will the Government be pleased to state how many Signal and Interlocking, and Block Signal Inspectors there are on the North-Western Railway in the following cadre ?

CADRE.

Class.	*Pay.* Rs.
ii	400—25—450
iii	475—25—500
iv	550—25—600
v	625—25—675

(*b*) How many of these are permanent and how many officiating ?

(*c*) How many of these are Hindus, Muhammadans, Parsis, Goanese, Eurasians and Europeans ?

NUMBER OF BRIDGE INSPECTORS IN CLASSES II AND III ON THE NORTH-WESTERN RAILWAY.

55. ***Mr. Lalchand Navalrai**: (*a*) Will the Government be pleased to state how many Bridge Inspectors there are on the North-Western Railway in the following cadre ?

CADRE.

Class.	*Pay.* Rs.
ii	400—25—500
iii	550—25—675

(*b*) How many of these are permanent and how many officiating ?

(*c*) How many of these are Hindus, Muhammadans, Parsis, Goanese, Eurasians and Europeans ?

Mr. A. A. L. Parsons : I propose with your permission, Sir, to answer questions Nos. 49—55 together.

A statement giving the information asked for in part (*a*) of these questions is being sent to the Honourable Member.

With regard to (*b*), the number of men officiating varies so frequently that it is not practicable to give figures.

With regard to (*c*), the information in possession of Government in connection with communal representation on the North-Western Railway will be found in Volume I (Appendix F) and Volume II (Appendix C) of the Report on Indian Railways for 1926-27, a copy of which is in the Library. The statistics were formulated in the form there given after consultation with, and acceptance by, the Central Advisory Council for Railways and Government do not consider it desirable to supplement them by details regarding individual offices or posts.

Mr. Lalchand Navalrai : Will Government undertake an enquiry as to the causes of disproportion of the appointments in the different communities and will Government direct a suitable revision thereof ?

Mr. A. A. L. Parsons : No.

Nawab Sir Sahibzada Abdul Qaiyum : Have the Government recognised the Goanese as a separate community ?

Pandit Hirday Nath Kunzru : What is the reason for the refusal of Government to supply the detailed statistics asked for by the Honourable Member, particularly with regard to Traffic Inspectors ?

Mr. A. A. L. Parsons : I am supplying the Honourable Member with the statistics asked for in part (*a*) of his question with regard to Traffic Inspectors. The reasons for not supplying figures of communal representation apply just as much to Traffic Inspectors as to any other branch or office.

Pandit Hirday Nath Kunzru : May I know whether the information asked for in part (*b*) of the question is confidential ?

Mr. A. A. L. Parsons : My answer with regard to part (*b*) was that the number of men who officiate vary so frequently that it is not practicable to give figures. It varies almost from [illegible] appointments become vacant by people going on leave and so on.

Pandit Hirday Nath Kunzru : It is part (*c*) which refers to permanent and officiating men. I am asking what objection there is to replying to part (*b*) of question No. 49.

Mr. A. A. L. Parsons : I must apologise to the Honourable Member. I overlooked that part (*b*) of question No. 49 is part (*c*) in the remaining questions. I have already explained to the House on many occasions the reasons why Government do not consider it desirable to give this information with regard to individuals offices or posts.

Pandit Hirday Nath Kunzru : May I ask the Honourable Member whether in regard to information which is not of a confidential character it is open to Government to say that they will not supply it or that they will not take the trouble of collecting it and placing it on the table of the House ?

Mr. A. A. L. Parsons : It is always open to Government to refuse information when it thinks it is in the public interests to do so.

Pandit Hirday Nath Kunzru : Do Government realise that these questions have to be asked because they have taken no action in the past on the recommendations of this House with regard to the appointment of Indians in these posts, and particularly to the posts of Traffic Inspectors on the North-Western Railway ? The reply of the Government amounts to an evasion of the question altogether and I ask whether it is permissible for Government to do so in regard to questions which do not ask for confidential information ?

LOSS OF LIFE AND OTHER CASUALTIES OCCASIONED BY COMMUNAL RIOTS SINCE THE 22ND JULY 1926.

56. ***Mr. Lalchand Navalrai** : (*a*) Will the Government be pleased to give statistics as to the loss of life and other casualties occasioned by communal riots in India since the 22nd July 1926 ?

(*b*) What steps have Government taken to stop the communal tension in India ?

The Honourable Mr. J. Crerar : (*a*) I would refer the Honourable Member to the statement laid on the table in connection with the reply which I gave in this House on the 14th September 1927 to Pandit Thakur Das Bhargava's question on this subject. I now lay on the table a further statement giving particulars in respect of riots since reported. The numbers of persons killed and persons wounded during the period referred to in the Honourable Member's question as reported to the Government of India are 149 and 1,345 respectively.

(*b*) I would refer the Honourable Member to the answer given in this House to the late Mr. Harchandrai Vishindas' question of the 18th August 1926.

Statement showing the Hindu-Muhammadan riots from September 1927 to 30th June 1928.

Date.	Place of occurrence.	Casualties.
11th September 1927 ..	Ahmedabad, Bombay	1 killed, a few injured (number not known).
28th September 1927 ..	Dehra Dun, U. P.	2 killed and 31 injured (10 seriously).
4th and 5th October 1927	Jubbulpore, C. P.	18 injured.
28th October 1927 ..	Gaya (Bihar and Orissa) ..	1 seriously injured.
14th November 1927 ..	Delhi	2 killed and 69 injured.
5th March 1928 ..	Khandala (Tata Construction Company's Workshop, Bombay Presidency.	1 fatally injured. 37 injured.

Date.	Place of occurrence.	Casualties.
7th March 1928 ..	Ol, Muttra District, U. P. ..	One killed, 20 (4 or 5 seriously) injured.
30th March 1928 ..	Harkol village, Kolaba District, Bombay.	14 injured.
22nd April 1928 ..	Chandur, Biswa, Buldana District, C. P.	16 injured.
24th April 1928 ..	Kamatipura, Bombay	6 injured.
30th May 1928 ..	Muzaffarpur District, Bihar and Orissa.	1 killed, 4 injured.
Do. ..	Darbhanga District, Bihar and Orissa.	4 injured.
Do. ..	Gaya, Bihar and Orissa ..	2 wounded.
Do. ..	Parora village, Aligarh District, U. P.	1 killed.
Do. ..	Madehpur village, Jullundur District, Punjab.	5 injured.
Do. ..	Softa village, Gurgaon District, Punjab.	14 killed. 33 injured.
31st May 1928 ..	Malikpur village, Ambala District, Punjab.	10 killed. 9 injured admitted to hospital.
27th June 1928 ..	Bombay City	12 injured.
29th June to 1st July ..	Kharagpur, Bengal	15 killed. 21 injured (treated at the Railway Hospital).

Mr. Lalchand Navalrai : I have seen Mr. Harchandrai Vishindas's question. Will Government be pleased to say what reconciliatory methods they have taken to bridge the gulf between the communities ? They only gave advice to non-official leaders to do so. What I ask is, what steps Government have taken to bridge the gulf between the different communities ?

The Honourable Mr. J. Crerar : The reply, which I quoted, of my late predecessor gives a concise but comprehensive account of the attitude of Government in the matter.

Mr. Lalchand Navalrai : That information is not, in my opinion, definite. I want to know whether Government are going to do anything definite in order to bridge the gulf or not ?

The Honourable Mr. J. Crerar : I must repeat that I consider the reply to that question is contained in the answer to which I have referred. If the Honourable Member desires a more specific reply he will perhaps give me notice of a question.

Mr. Lalchand Navalrai : Will Government be pleased to direct the District Officers to make earnest and honest efforts by forming committees of the leaders of the communities to bring about a rapprochement ?

Mr. K. Ahmed : May I ask one supplementary question ?

Mr. President : Order, order. Question No. 57. Mr. Lalchand Navalrai.

REVISED PENSION RULES FOR THE INFERIOR SERVICES OF THE GOVERNMENT OF BOMBAY.

57. ***Mr. Lalchand Navalrai** : Are Government aware that the Bombay Government have sanctioned the revised pension rules in respect of inferior services ?

The Honourable Sir Bhupendra Nath Mitra : Yes.

REVISED PENSION RULES FOR THE SUBORDINATE SERVICES.

58. ***Mr. Lalchand Navalrai** : Will Government be pleased to state when the final orders regarding revised pension rules in respect of the subordinate services are expected to be passed ?

The Honourable Sir Bhupendra Nath Mitra : I would invite the Honourable Member's attention to part (*b*) of the reply given in this House by Sir Basil Blackett, on the 15th February last, to Mr. Kelkar's question No. 92. The position is unchanged.

PRINTING OF RAILWAY RULES AND REGULATIONS IN THE VERNACULARS.

59. ***Mr. A. H. Ghuznavi** : (*a*) Are Government aware that third class passengers suffer inconvenience owing to their ignorance of railway rules and regulations ?

(*b*) Are Government prepared to take steps to have the rules printed in the vernacular languages and circulate them free among the public or sell them at a nominal price ?

Mr. A. A. L. Parsons : Government certainly consider that a wider acquaintance on the part of third class passengers with the ordinary rules and regulations governing railway travelling would be of advantage to all parties concerned, and the Railway Board have considered the Honourable Member's suggestion. But they incline to the view that at present at any rate it would do little good to make printed vernacular translations of the principal rules available, and that a more promising method of tackling the problem is to appoint enquiry clerks in the larger waiting sheds.

Mr. Gaya Prasad Singh : Are Government prepared to have the substance of these rules printed in the vernacular and put up at the railway stations and in the third class carriages ?

Mr. A. A. L. Parsons : I believe I am correct in saying that we are already considering that expedient, but I am a little doubtful myself whether we shall get the third class passengers to read them.

Mr. Gaya Prasad Singh : No. Many of them do read.

PROVISION OF THIRD CLASS TOURIST CARS FOR PILGRIMS AND MARRIAGE PARTIES ON ALL RAILWAYS.

60. *Mr. A. H. Ghuznavi : (*a*) Are Government aware that for the special convenience of pilgrim and marriage parties a third class tourist car has been provided on the South Indian Railway at a reasonable fare ?

(*b*) Are Government prepared to take steps to provide similar cars on all other railways in India ?

Mr. A. A. L. Parsons : (*a*) Yes, as an experiment.

(*b*) Also as an experiment, the East Indian Railway Administration are already building similar cars and the North-Western Railway Administration have been asked to do so. The question of extending the use of such cars will be considered when the results of the experiment on these railways are known.

CRIMINAL CASE INSTITUTED IN CALCUTTA AGAINST DR. J. A. DUNN OF THE GEOLOGICAL SURVEY OF INDIA.

61. *Mr. A. H. Ghuznavi : (*a*) Has the attention of Government been drawn to a criminal case in Calcutta in which Dr. J. A. Dunn of the Geological Survey of India was prosecuted on a charge of having on July 11, 1927, at the New Market Post Office, thrown a parcel at Mr. H. K. Roy, parcels clerk, and injured him ?

(*b*) Are Government aware that the Chief Presidency Magistrate in passing judgment passed strictures on Dr. Dunn ?

(*c*) Do Government propose to cause an enquiry into the matter and take such steps as they think fit ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) In the opinion of the Government the remarks made by the Chief Presidency Magistrate in pronouncing judgment can hardly be construed as strictures on Dr. Dunn.

(*c*) No.

OMISSION BY THE CALCUTTA INCOME-TAX DEPARTMENT TO FURNISH INFORMATION TO ASSESSEES IN THE NOTICE ISSUED UNDER SECTION 34 OF THE INDIAN INCOME-TAX ACT, 1922.

62. *Mr. A. H. Ghuznavi : Will the Government be pleased to state why no information is given to an assessee in the notice under section 34 issued by the Calcutta Income-tax Department as to what income had escaped assessment in the particular accounting year or as to what further information is required upon either a source of income or rate of assessment of the assessee ?

The Honourable Sir Bhupendra Nath Mitra : The Indian Income-tax Act does not require that the notice issued under section 34 should contain the information mentioned. In October 1926, however, the Central Board of Revenue prescribed a form in which spaces are provided for entering this information, and the Commissioner of Income-tax, Bengal, reports that this form is in use in Calcutta and that these spaces are filled up before it is issued.

ADMISSION TO THE READING ROOM OF THE IMPERIAL LIBRARY, CALCUTTA.

63. *Mr. A. H. Ghuznavi : (*a*) Is it a fact that some new rules have been introduced into the Imperial Library at Calcutta regarding the admission of readers into the reading room ?

(*b*) Is it a fact that only permanent ticket holders are now admitted into the reading room ?

(*c*) Will the Government be pleased to state why tickets are no longer issued temporarily to daily readers ?

(*d*) Is it a fact that permanent tickets are now issued only to people who are recommended by gazetted officers ?

(*e*) Do Government propose to revise this rule for the benefit of the general public, especially poor students, and make it possible for them to enter the Library under easier conditions ?

Mr. G. S. Bajpai : (*a*) No, an old rule which was in abeyance for sometime has been revived.

(*b*) No.

(*c*) Temporary tickets are issued to daily readers.

(*d*) No.

(*e*) Students whose applications are endorsed by the Professor of any College in Calcutta or by some respectable gentleman can always gain admission to the reading room of the Library by application to the Librarian ; so can members of the general public. The need for revising the rules does not therefore arise.

TRANSFER OF THE RECORDS OF THE GOVERNMENT OF INDIA FROM CALCUTTA TO DELHI.

64. *Mr. A. H. Ghuznavi : (*a*) Is it a fact that the buildings for housing the Imperial records of the Government of India have been completed at New Delhi ?

(*b*) Is it a fact that some of the records of the Government of India have already been transferred to Delhi ?

(*c*) Will the Government be pleased to state why there is delay in transferring the other records from Calcutta to Delhi ?

(*d*) Do Government propose to expedite the transfer of the records from Calcutta to Delhi ?

Mr. G. S. Bajpai : (*a*) and (*b*). Yes.

(*c*) and (*d*). The condition of the records of the " Company " period, *i.e.*, the period prior to 1860, renders it necessary that they should be classified, flattened and cased and such of them as are damaged repaired in Calcutta before they are transferred to Delhi. This work is now in progress.

TOTAL NUMBER OF APPLICATIONS AND APPEALS TO THE ASSISTANT COMMISSIONERS OR THE COMMISSIONER OF CALCUTTA UNDER SECTIONS 27 AND 30 OF THE INDIAN INCOME-TAX ACT, 1922.

65. *Mr. A. H. Ghuznavi : (*a*) Will the Government be pleased to lay on the table a statement showing the total number of applications and

appeals respectively, under sections 27 and 30 of the Indian Income-tax Act of 1922, preferred to the Assistant Commissioners or to the Commissioner of Calcutta, as the case may be, during the period of six months from May 1926 to October 1926, and how many of these applications and appeals were either allowed (including modifications of assessments) or rejected ?

(*b*) Will the Government be further pleased to lay a statement on the table shewing how many applications and appeals under sections 27 and 30, respectively, were preferred to the Assistant Commissioners of Income-tax, Calcutta, and how many of them were either allowed (including modifications of assessments) or rejected during a period of six months from November 1926 to April 1927 ?

(*c*) Who were the Assistant Commissioners of Calcutta during May 1926 to October 1926 and from November 1926 and after ?

The Honourable Sir Bhupendra Nath Mitra : (*a*), (*b*) and (*c*). A statement giving the information asked for is laid on the table. In the question the words " preferred to the Assistant Commissioners or to the Commissioner of Calcutta, as the case may be " should presumably read " preferred to the Income-tax Officers or to the Assistant Commissioners, as the case may be ". Such applications and appeals do not lie to the Commissioners of Income-tax except when an Assistant Commissioner is exercising the powers of an Income-tax Officer. It may be noted that as the bulk of assessments are made during the last two quarters of the year, the number of applications under section 27 and of appeals under section 30 is larger in the second than in the first half year.

		Allowed.	Rejected.	Total.
(*a*) Applications under Section 27.	May 1926 to October 1926	107	177	284
Appeals under Section 30..	Do. ..	130	84	214
(*b*) Applications under Section 27.	November 1926 to April 1927.	150	295	445
Appeals under Section 30..	Do. ..	247	242	489

(*c*) *Assistant Commissioners in Calcutta during May 1926 to October 1926—*

May 1926 to middle of September 1926	Mr. T. T. Williams. Mr. W. B. Kirkwood.
Middle of September 1926 to October 1926	Mr. T. T. Williams. Khan Bahadur Ataur Rahman

Assistant Commissioners in Calcutta from November 1926 and after—

November 1926 to December 1926	Khan Bahadur Ataur Rahman Rai Sahib S. N. Banerjee.
January 1927 to March 1927	Mr. Hubert Graham, I.C.S. Khan Bahadur Ataur Rahman. Rai Sahib S. N. Banerjee.
April 1927 to middle of October 1927	Khan Bahadur Ataur Rahman Rai Sahib S. N. Banerjee.
Middle of October 1927 to December 1927	Mr. Hubert Graham, I.C.S. Rai Sahib S. N. Banerjee. Mr. O. K. Martin.
January 1928 to date	Mr. Hubert Graham, I.C.S. Khan Bahadur Ataur Rahman. Rai Sahib S. N. Banerjee.

PROLONGED STAY OF THE GOVERNMENT OF INDIA IN NEW DELHI.

1. **Mr. Amar Nath Dutt** : Will Government be pleased to lay on the table recent correspondence, if any, relating to the prolonged stay of the Government of India in New Delhi ?

The Honourable Mr. J. Crerar : Government are not prepared to place the correspondence on the table.

INTERCEPTION OF MRS. BESANT'S LETTERS.

2. **Mr. C. S. Ranga Iyer** : (*a*) Has the attention of Government been drawn to a signed article in *New India* of May 16th by Mrs. Besant complaining against interception of her letters by the Government ?

(*b*) Is it a fact that Mrs. Besant's letters have been intercepted ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). Government have seen the article referred to. The allegation made by Mrs. Besant is that for some months past her letters have been intercepted and intefered with by Government. The allegation is entirely without foundation.

INTERCEPTION OF LETTERS WRITTEN TO OR BY DANGEROUS CHARACTERS.

3. **Mr. C. S. Ranga Iyer** : (*a*) Is it a fact that the letters written to or by dangerous characters are intercepted by the orders of Government ?

(*b*) If the answer to (*a*) is in the affirmative, will Government be pleased to state the reasons for such orders ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). The attention of the Honourable Member is invited to the provisions of the Indian Post Office Act, 1898 (Act VI of 1898), which empowers Governments in India to intercept correspondence on the occurrence of a public emergency or in the interest of the public safety or tranquillity.

PROVINCIAL GOVERNMENT'S SHARE OF THE INCOME-TAX COLLECTED IN BIHAR AND ORISSA.

4. **Mr. Gaya Prasad Singh** : Is it a fact that the net total of the Income-tax collected in Bihar and Orissa in 1926-27 was Rs. 39,47,179 of which the share of the Provincial Government was Rs. 3,23,581 only ? If so, will Government be pleased to say if they propose to bring about a more equitable adjustment of the shares between the Provincial and the Central Governments in this matter ?

The Honourable Sir Bhupendra Nath Mitra : The correct figures of the net total of income-tax collected in Bihar and Orissa in 1926-27 and of the share of the Provincial Government are Rs. 38,61,792 and Rs. 3,24,361, respectively. As regard the second part of the question, the Honourable Member is referred to the reply given on the 7th March 1928 to the unstarred question by Khan Bahadur Sarfaraz Hussain Khan, No. 325.

LOCATION OF THE INDIAN REFRESHMENT ROOM AT PATNA JUNCTION.

5. **Mr. Gaya Prasad Singh** : (*a*) Are Government aware that the building of the Patna Junction railway station (East Indian Railway)

has become insufficient for the growing needs of the Railway, as well as of the travelling public, in view of Patna being the capital of the Province of Bihar and Orissa, and requires remodelling and expansion ?

(*b*) What arrangements, if any, are contemplated in this direction ?

(*c*) Are Government aware that the European refreshment room at Patna Junction is situated on the station platform, while the Indian refreshment room has been located outside the main station building, and at some distance from it, and that it is thereby causing considerable inconvenience to passengers ? Do Government propose to arrange for the location of the Indian refreshment room on the main platform of the station ?

Mr. A. A. L. Parsons : (*a*) and (*b*). There is no scheme for the remodelling of the Patna Junction railway station at present before Government.

(*c*) Government are not aware of the exact location of the Indian refreshment room, but are sending a copy of the Honourable Member's question to the Agent of the East Indian Railway with a request that he will consider whether the arrangements at this station require improvement.

REDUCTION OF INTERMEDIATE CLASS FARES ON THE EAST INDIAN RAILWAY.

6. **Mr. Gaya Prasad Singh**: Is it a fact that the fares of first, second and third classes have been reduced on the East Indian Railway, and that the fares of the intermediate class have not at all been reduced ? If so, why ? Do Government propose to reduce intermediate class fares as well ?

Mr. A. A. L. Parsons : Intermediate class fares by ordinary trains on the East Indian Railway were reduced on the 1st of January 1926 and by mail trains on the 1st of March, 1928. No further reduction is at present in contemplation.

EMPLOYMENT OF ADDITIONAL BOOKING CLERKS TO COPE WITH THE HEAVY THIRD CLASS BOOKING AT PATNA JUNCTION.

7. **Mr. Gaya Prasad Singh** : Is it a fact that at Patna Junction railway station (East Indian Railway) there is only one booking clerk for the third class to issue tickets for the Up, Down and other trains, much delay and inconvenience being caused thereby to passengers ? Do Government propose to provide additional hands to cope with the heavy third class booking at that station ?

Mr. A. A. L. Parsons : Government do not receive information as to the number of booking clerks at individual stations, but have sent a copy of the Honourable Member's question to the Agent of the East Indian Railway for such action as may be found to be required.

SEPARATION OF THE OFFICE OF THE LEGISLATIVE ASSEMBLY FROM THE LEGISLATIVE DEPARTMENT.

8. **Mr. C. S. Ranga Iyer** : (*a*) Will the Government be pleased to state if they have consulted the Secretary of State regarding the separation of the office of the Legislative Assembly from the Legislative Department ?

(*b*) When do they propose to put the scheme into operation ?

Mr. L. Graham : (*a*) The reply is in the affirmative.

(*b*) As soon as possible after the sanction of the Secretary of State is received.

WANT OF A DEAD LETTER OFFICE IN THE BIHAR AND ORISSA POSTAL CIRCLE.

9. **Kumar Ganganand Sinha** : (*a*) Is it a fact that there was a Dead Letter Office at Dinapore till 1905 and it was amalgamated with the Calcutta Dead Letter Office by reason of the partition of Bengal in that year ?

(*b*) Is it a fact that after the creation of the province of Bihar and Orissa, the Post and Telegraph Department created at Patna a separate postal circle, known as the Bihar and Orissa Postal Circle, without any Dead Letter Office ?

(*c*) Is it a fact that the original intention of the Post and Telegraph Department was to open a Dead Letter Office at Patna and that not only was room allotted for the Dead Letter Office in the original plan of the new postal building at Patna but Mr. Sullivan, the then Personal Assistant to the Postmaster General, Bihar and Orissa, was sent to Calcutta in connection with the establishment of the office at Patna ?

(*d*) If the answer to part (*c*) is in the affirmative, will the Government be pleased to state in detail the reason for abandoning the intention of establishing a Dead Letter Office at Patna and place on the table of this House the correspondence substantiating those details ?

(*e*) Is there any Postal circle other than the Bihar and Orissa Circle which has no Dead Letter Office under it ? If so, will the Government be pleased to state their names ?

(*f*) Is it a fact that the Postmaster General of Bihar and Orissa has no hand in the matter of supervision or administration of the Calcutta Dead Letter Office notwithstanding the fact that it is the Dead Letter Office of Bengal and Bihar and Orissa ?

(*g*) Are Government aware of the fact that the testing of the efficiency of post offices in Bihar and Orissa suffers much for want of a Dead Letter Office in the circle ?

Mr. P. G. Rogers : (*a*) Yes.

(*b*) Yes.

(*c*) No.

(*d*) Does not arise.

(*e*) Yes, the Sind and Baluchistan Circle.

(*f*) Yes.

(*g*) Government are not aware that the absence of a Dead Letter Office in the Bihar and Orissa Circle has impaired the efficiency of the postal service in that area.

NUMBER OF CLERKS EMPLOYED IN THE DEAD LETTER OFFICE AT CALCUTTA, ETC.

10. **Kumar Ganganand Sinha** : (*a*) Will the Government be pleased to state the number of clerks employed in the Dead Letter Office at Calcutta on :

(*i*) 16th October 1905,

(*ii*) 1st January 1907,

(*iii*) 1st January 1910,

(*iv*) 1st April 1924,

(*v*) 1st April 1928,

dividing them by the provinces to which they belonged and sub-dividing them into Hindus and Mussalmans ?

(*b*) In the case of the province of Bihar and Orissa will the Government be pleased to indicate the number of Biharis and Oriyas separately and state how many of the number indicated are persons belonging to the communities domiciled in Bihar and Orissa as different from the native inhabitants of the Province ?

(*c*) How many natives of Bihar have been appointed as clerks in the Dead Letter Office during the last 14 years ?

(*d*) Will the Government be pleased to state the method followed for the recruitment of the different grades of clerks in the Dead Letter Office and the qualifications required for the same ?

(*e*) Is it a fact that during the last 14 years no Bihari has been appointed as a Manager of the Dead Letter Office, and that men were recruited from the Railway Mail Service and the Calcutta Postmaster General's office to fill the vacancies ? If so, will the Government be pleased to state reasons for the same ?

The Honourable Mr. A. C. McWatters : (*a*) (*i*)—(*iv*). No information is available.

(*v*) Bengal—63 (43 Hindus and 20 Mussalmans).
Bihar—11 (10 Hindus and 1 Mussalman).
Orissa—2 (2 Hindus only).
United Provinces—5 (5 Hindus only).
Bombay—2 (2 Hindus only).
Madras—2 (1 Hindu and 1 Christian).

(*b*) 11 Biharis and 2 Oriyas. All are natives of Bihar and Orissa respectively.

(*c*) Four. This number includes one Bihari Mussalman entertained after the 1st April 1928 making the total number of Biharis employed in the Dead Letter Office 12.

(*d*) Recruitment is made according to requirements. The "Matriculation" is the minimum educational qualification and preference is given to candidates having a knowledge of different languages.

(*e*) No Bihari has been appointed Manager of the Dead Letter Office for the last 14 years. An official of the Railway Mail Service was appointed as Manager. The reason was that at the time no senior suitable man was available for the post.

DEPUTATION OF THE INDIAN POLICE ASSOCIATION TO HIS EXCELLENCY THE VICEROY.

11. **Mr. Amar Nath Dutt** : Is it a fact that His Excellency the Viceroy received a deputation of the Indian Police Association consisting of Messrs. Ewart Powell and Smith on the 8th June last ? If so, will the Government be pleased to state the subject or subjects which were discussed and the reply of His Excellency the Viceroy ? Will the Government be pleased to lay on the table all information in their possession about the deputation ?

The Honourable Mr. J. Crerar : The reply to the first part of the question is in the affirmative. The questions discussed related to certain matters connected with the conditions of service of the Indian Police Service. Government do not consider it necessary to lay on the table any papers on the subject.

CONSTRUCTION OF A RAILWAY BRIDGE OVER THE GUNDUK.

12. **Mr. Gaya Prasad Singh** : Is there a proposal to construct a railway bridge over the Gunduk between the proposed Chakia-Karnoul-Thawe section of the Bengal and North Western Railway, in Bihar ? If so, has provision been made for a footpath on the bridge ?

Mr. A. A. L. Parsons : The line mentioned by the Honourable Member is only under survey, and no decision has yet been reached whether it will be constructed. It is not therefore possible at present to give an answer to his question.

CONSTRUCTION OF A RAILWAY BRIDGE OVER THE GANGES AT MOKAMEH GHAT.

13. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that the Secretary of State for India has sanctioned the construction of a railway bridge over the Ganges at Mokameh Ghat ? If so, when is the work of construction likely to be taken up ?

(*b*) Is there a proposal that the railway bridge at this point will be for the broad gauge, and that the East Indian Railway will be extended up to Barauri Junction (Bengal and North Western Railway), Bihar, for transhipment of goods and passengers between the East Indian Railway and the Bengal and North Western Railway ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) No.

CONSTRUCTION OF A RAILWAY FROM MASHRAK TO THAWE.

14. **Mr. Gaya Prasad Singh** : Will Government kindly state when the construction of the railway line from Mashrak to Thawe (Bengal and North Western Railway) in Bihar is likely to be taken up and completed ?

Mr. A. A. L. Parsons : The line was sanctioned on the 14th of June this year, and provision for the commencement of construction has been

PETITION FROM MR. DRIGHNATH SINGH AND OTHERS.

21. **Kumar Ganganand Sinha** : (*a*) Have Government received any petition from Mr. Drighnath Singh and others through their attorney regarding their claim to certain properties in the district of the Santhal Parganas ?

(*b*) If so, when was it forwarded by the Bihar and Orissa Government ?

(*c*) If the answer to (*a*) is in the negative, are the Government aware that the petitioners submitted their memorial to the Bihar and Orissa Government on the 17th October, 1927 ?

(*d*) Will the Government be pleased to state the maximum delay permissible in forwarding petitions ?

(*e*) What discretion lies with the Local Governments in this matter ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) In December, 1927.

(*c*), (*d*) and (*e*). Do not arise.

REPRESENTATION OF INDIANS ON THE LEGISLATIVE COUNCIL IN FIJI.

22. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that there are about 65,000 Indians in Fiji, for whom only 3 seats on the Legislative Council of Fiji are proposed to be allotted, while as many as 6 seats are to be given to the Europeans, who are only about 5,000 in number ?

(*b*) What steps have Government taken, or propose to take, to remedy this racial differentiation ?

Mr. G. S. Bajpai : (*a*) and (*b*). The attention of the Honourable Member is invited to the answers given by Mr. Bhore to his starred question No. 252 and the connected supplementaries on the same subject on the 2nd February 1927. No suitable opportunity has since occurred of suggesting an increase in the representation of the Indian community on the Fiji Legislative Council.

ABOLITION OF THE POL-TAX LEVIED ON INDIANS IN FIJI.

23. **Mr. Gaya Prasad Singh** : Is it a fact that Mr. Badri Maharaj, who was the only Indian—a nominated member—on the Fiji Legislative Council, resigned his seat as a protest against the imposition of the poll-tax in Fiji ? Is this tax levied only on Indians ? If so, why ? Have Government taken any steps to bring about its abolition ?

Mr. G. S. Bajpai : With regard to the first and second parts of the question, the attention of the Honourable Member is invited to the reply given on the 13th March 1925 to his starred question No. 1194. The third part of the question does not arise. As regards the fourth part, the Honourable Member is referred to part (*a*) of the reply given on the 15th February 1927 to his question No. 446.

PUBLICATION OF AN UP-TO-DATE INDIAN BRADSHAW BY THE RAILWAY BOARD.

24. **Mr. Gaya Prasad Singh** : Do the Railway Board propose to publish an authoritative and up-to-date Indian Bradshaw, and to sell it to the public at a cheap rate ? If not, why not ?

Mr. A. A. L. Parsons : Government are not prepared to endorse the Honourable Member's criticism on the publication mentioned by him. The Publicity Office are now publishing a time table of the principal railways of India at the price of Re. 1.

CONSTRUCTION OF A RAILWAY FROM RISHIKESH TO KARNPRAYAG.

25. **Mr. Gaya Prasad Singh** : (*a*) Will Government kindly state how far the project of constructing a railway line from Rishikesh to Karnprayag, in Garhwal (United Provinces) has progressed ?

(*b*) Is it a fact that the programme of railway construction and projects for 1929-30 which was placed before the twenty-second meeting of the Board of Communications, United Provinces, held at Lucknow, on the 4th April 1928, included the Rishikesh-Karnprayag Railway ? If so, what decision was arrived at ?

(*c*) Are Government aware that the opening of the Rishikesh-Karnprayag Railway will tap the forest resources of the mountains in Garhwal, and is likely to prove remunerative, besides serving the pilgrim traffic to Badri Nath shrine ?

Mr. A. A. L. Parsons : (*a*) The Railway Board are awaiting the abstract estimate and revised traffic report which the Railway Administration were asked to complete by June of this year.

(*b*) Government have no information ; and the project stands eighth on the list of new projects recommended by the Government of the United Provinces for 1929-30.

(*c*) Information on these points will no doubt be contained in the traffic survey report which is awaited.

CONSTRUCTION OF A RAILWAY BETWEEN INDIA AND BURMA.

26. **Mr. Gaya Prasad Singh** : (*a*) Has the attention of the Government been drawn to the following Resolution passed by the Indian Industrial and Commercial Congress, held in Madras in December 1927 :

> " This Congress is of opinion that the construction of a railway line connecting India with Burma is an urgent necessity, and recommends to the Government of India to consider the admissibility of constructing such a railway at the earliest possible opportunity " ?

(*b*) Is there any proposal for constructing such a line ? If not, why not ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The answer to the first part of this question is, no, and to the second, that there is no hope of any such line being at present remunerative.

LEAVE RULES OF INDIAN OFFICERS ON THE ASSAM BENGAL RAILWAY, THE BENGAL NAGPUR RAILWAY AND THE BENGAL AND NORTH WESTERN RAILWAY.

27. **Mr. Gaya Prasad Singh** : (*a*) Will Government kindly state whether Indian officers appointed in England, and in India, on the Assam Bengal Railway, Bengal Nagpur Railway, and the Bengal and North

Western Railway, are entitled to the same furlough rules as European officers on those Railways are entitled to ?

(*b*) What is the position of Indian officers appointed in India, and in England, regarding leave rules on State Railways, compared with those on Company Railways ? Are the status of Indian officers in this matter the same on these Company Railways as on State Railways ? If not, why not ?

(*c*) Do Government propose to take necessary steps to equalise their status, so that Indian officers may not be worse off in this respect as compared with English officers ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) The grant of furlough to officers of Asiatic domicile on State-managed Railways is regulated by the Fundamental Rules of which there is a copy in the Library. The Fundamental Rules are not in force on Company-managed Railways ; but the Companies can frame leave rules for their employees, whether European or Indian, within the limits of certain general rules which were laid down in 1901, and a copy of which is in the Library. As a result, the leave rules, of both European and Indian Officers, on Company-managed Railways are not the same as those of officers on State-managed Railways.

(*c*) Government do not propose to take any action. The officers concerned are the servants of the Companies, and it rests with the Companies to determine what their leave rules should be within the limits laid down in 1901.

SEPARATE WAITING ROOM FOR FIRST AND SECOND CLASS EUROPEAN PASSENGERS AT HARDWAR.

28. **Mr. Gaya Prasad Singh** : With reference to starred question No. 453 of the 19th March 1928, and the reply of Government that there is a separate waiting room for first and second class European passengers at Hardwar railway station, will the Government be pleased to state why this racial discrimination is being maintained ?

Mr. A. A. L. Parsons : The Agent has instructed the Divisional Superintendent that the upper class waiting rooms are to be available for all passengers with upper class tickets and are not to be reserved solely for European passengers.

REPORT OF THE COMMITTEE APPOINTED TO ENQUIRE INTO THE AFFAIRS OF THE DELHI UNIVERSITY.

29. **Mr. Gaya Prasad Singh** : Is it a fact that the Government appointed a Committee about a year back to enquire into the affairs of the Delhi University ? Has the report of the Committee been submitted and when ? And when is it likely to be available ? What are the decision of the Government thereon ?

Mr. G. S. Bajpai : The answer to the first question is in the affirmative. The report was submitted to the Government of India on the 28th December 1927 ; it is now under consideration, but no final conclusion have yet been reached by Government. Six copies of the report have been placed in the Library of the House.

NUMBER OF CADETS UNDERGOING TRAINING ON THE TRAINING SHIP "DUFFERIN".

30. **Mr. Gaya Prasad Singh** : (*a*) With reference to my unstarred question No. 380 of the 13th March last, will Government kindly state separately the number of candidates from the different Provinces, who are under training for careers in the Mercantile Marine in the Training Ship "Dufferin" ?

(*b*) What is the period of training, and what stipends, allowances, etc., if any, are given to the students during their course of training ? What is the monthly fee levied from the students ; and what are their prospects after they have qualified ?

The Honourable Sir George Rainy : (*a*) The number of cadets from different Provinces who are undergoing training on the "Dufferin" is as follows :

Madras	1
Bombay	10
Bengal	2
United Provinces	5
Punjab	3
Burma	1
North-West Frontier Province	1
Delhi	1
Ajmer-Merwara	2
Indian States	3

(*b*) Information on the various points referred to is contained in the Prospectus of the Training Ship "Dufferin", a copy of which is available in the Library of the Legislature.

SMUGGLING OF OPIUM FROM NEPAL INTO BIHAR AND ORISSA.

31. **Mr. Gaya Prasad Singh** : With reference to my unstarred question No. 382 of the 13th March 1928, regarding the smuggling of opium from Nepal into the Province of Bihar and Orissa, and the reply of the Government that "measures for checking smuggling from Nepal are being considered", will Government kindly state the measures which have been taken, or are proposed to be taken, to check this evil ?

The Honourable Sir Bhupendra Nath Mitra : The matter is still under consideration.

NOMINATION OF A QUALIFIED SIKH TO THE INDIAN CIVIL SERVICE IN 1928.

32. **Sardar Gulab Singh** : (1) Is it true that a certain number of selections of qualified candidates are made every year by the Government of India for nomination to the Indian Civil Service with the object of adjusting communal inequalities arising out of the results of the yearly examination ?

(2) Is it true that matters other than position of the candidate in the examination, such as family services to the Government, are also taken into consideration in making the above-mentioned selections ?

(3) Is it a fact (*a*) that, in view of the principle mentioned in (1), no Hindu candidate could have been selected this year ; (*b*) that Mr. Tarlochan Dass Bedi, S/o Ishar Dass Bedi, of Dera Baba Nanak, Punjab, has been selected this year ?

(4) Are Government aware of the fact that the Sikh community has been, for some years past, ventilating its grievance that a due share is not given to it in the said selections ?

(5) Is it a fact (*a*) that the Government of India this year allotted one post to the Sikh community for selection ; and asked for the recommendation of a *Sikh* candidate ; (*b*) that the *Punjab Government* recommended the aforesaid Mr Tarlochan Dass Bedi for selection as a *Sikh* candidate ?

(6) Is it a fact (*a*) that the Sikh community, through its various agencies, conveyed, to the Government, its protest against the recommendation and selection of Mr. Tarlochan Dass Bedi as a *Sikh* as he is *not* a Sikh but is a Hindu ; (*b*) that the Government of India were favourable to the above Sikh view ?

(7) Are Government aware of the strong feeling prevalent among the Sikh community to the effect that the said post reserved for it this year has not been given to it ?

(8) Will the Government be pleased to state (*a*) why the said post has not been given to a qualified *Sikh* candidate ; (*b*) whether it has been withdrawn ? If so, why ?

The Honourable Mr. J. Crerar : (1) Selections are made by the Government of India on the advice of the Public Service Commission.

(2) No. The only question taken into consideration is the individual candidate's personal fitness for appointment.

(3) (*a*) It was not found necessary to reserve for Hindus any of the vacancies set aside for adjusting communal inequalities.

(*b*) Yes.

(4) The Sikh community, like other communities, has no doubt pressed its claims.

(5), (6), (7) and (8). The Government of India asked the Public Service Commission to recommend a Sikh candidate. They recommended Mr. Bedi. The Government of India asked the Punjab Government whether they accepted Mr. Bedi as a Sikh, and on the Punjab Government replying in the affirmative the appointment was recommended to the Secretary of State, and Mr. Bedi was appointed. The Government of India received a number of representations to the effect that Mr. Bedi should not be regarded as a Sikh. These were communicated to the Government of the Punjab, whose opinion remained unchanged.

PREVENTION OF FLOODS.

33. Khan Bahadur Sarfaraz Hussain Khan : (*a*) Have Government taken any step to check floods ?

(*b*) If so, will they please state what those steps are ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). I would remind the Honourable Member that flood prevention is primarily a provincial concern. But in view of the importance of the subject, the Government of India in 1924 and again in 1927 drew the attention of all Local Governments to the matter and offered to assist them in investigating the causes of and remedies for recurring floods. An expert Committee, of which the Consulting Engineer to the Government of India was a member, has recently been investigating the problem in Orissa.

MUHARRUM HOLIDAYS IN THE IMPERIAL SECRETARIAT.

34. Khan Bahadur Sarfaraz Hussain Khan : Will the Government please state the number of days during Muharrum on which holidays are given to the employees of the Imperial Secretariat in general and to the Muhammadans in particular ?

The Honourable Mr. J. Crerar : The principal day during Muharrum is observed as a closed holiday for members of all communities of the Imperial Secretariat and two additional days are also given to Muhammadan employees.

GRANT OF CONVEYANCE ALLOWANCE TO MEMBERS OF THE LEGISLATIVE ASSEMBLY AT SIMLA AND NEW DELHI.

35. Khan Bahadur Sarfaraz Hussain Khan : (*a*) Are Government willing to allow conveyance allowance to Members during the Simla Session of the Assembly and Members living in New Delhi during the Delhi Session as they allow to Members living in Delhi during the Delhi Session ?

(*b*) If not, will they please state the reasons ?

Mr. L. Graham : (*a*) Non-official Members who reside in New Delhi and do not draw free haulage of a motor car or a carriage and horses may draw a conveyance allowance of Rs. 50 per mensem for the period for which they are entitled to daily allowance.

(*b*) The Government of India can see no justification for granting a special allowance, over and above the daily allowance of Rs. 20, to Honourable Members in Simla, where conditions are different from those prevailing in New Delhi.

COST OF THE KABUL LEGATION.

36. Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will Government please state if the cost of the Kabul Legation is paid wholly from the Indian Exchequer ?

(*b*) If so, do they propose to represent to the Secretary of State to consider the desirability of having the cost of the Kabul Legation shared equally by India and Great Britain ?

(*c*) If the answer to (*b*) be in the negative, will Government please state reasons ?

Sir Denys Bray : I would invite the attention of the Honourable Member to the answer given by me to questions Nos. 42, 87, 101 and 389 on the 25th August 1925.

LIBERATION OF SLAVES IN INDIA AND ITS OUTLYING TRACTS.

37. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state what further progress, if any, has been made in the attempt for the liberation of slaves in India and its outlying tracts ?

Sir Denys Bray : I propose for convenience sake to give a single answer to the Honourable Member's four questions* on the subject of slavery.

2. The newspaper reports referred to are generally correct.

3. In the course of the anti-slavery operations on the North East border of Burma last cold weather, 1,398 were released in the Triangle and adjoining area. With the exception of 20 slaves who live in a remote area beyond the scope of those operations, abolition of slavery in the Kachin Hills is believed to be complete.

4. A full account of the Triangle expedition is contained in Mr. Barnard's report, a copy of which has been placed in the Library.

5. Further measures to cope with the difficult problem of suppressing human sacrifice in the more inaccessible parts of the Naga Hills and Hukawng Valley are under consideration.

CONSTRUCTION OF A RAILWAY BETWEEN CONTAI AND CONTAI ROAD.

38. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to unstarred question No. 36 in the meeting of the Council of State on the 8th February 1928, regarding the construction of a railway between Contai and Contai Road station on the Bengal Nagpur Railway, will Government please state whether the Railway Board have come to any decision in the matter ?

(*b*) If so, will they please communicate its decision to the House ?

Mr. A. A. L. Parsons : The project has been sanctioned.

SUPPLY OF WATERPROOFS TO POSTMEN AND TELEGRAPH PEONS.

39. **Khan Bahadur Sarfaraz Hussain Khan** : Is it a fact that postmen and telegraphmen are provided with waterproofs during the rainy season ? If not, do Government propose to provide waterproofs to postmen and telegraphmen during the rainy season ?

Mr. P. G. Rogers : Yes ; waterproofs are provided where necessary.

REPORT OF THE ROADS DEVELOPMENT COMMITTEE.

40. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state when the Report of the Roads Development Committee is expected to be presented to the Assembly ?

The Honourable Sir George Rainy : The Report has not yet been received by the Government of India.

CONTROL OF OPIUM SMOKING.

41. **Khan Bahadur Sarfarz Hussain Khan** : Will Government be pleased to make a statement showing the steps so far taken in the different provinces of British India to check and control opium smoking ?

*Nos. 37, 108, 134 and 150.

The Honourable Sir Bhupendra Nath Mitra : In Assam, opium smoking has been totally prohibited by legislation. A system of registration and rationing is in force in Burma. No new names can be added to the register, and with the gradual disappearance of the persons now on the register, opium smoking will cease to exist in Burma. Smoking in company has been prohibited by legislation in the Punjab, Delhi, the North-West Frontier Province, Baluchistan and the United Provinces. An Act prohibiting opium smoking in Bihar and Orissa, except by registered smokers, was passed by the local Legislative Council in January 1928. It will come into force from the 1st January 1929. A Bill aiming at the ultimate prohibition of opium smoking in the Central Provinces is being discussed by the local Legislative Council. The Government of Madras propose to undertake legislation prohibiting opium smoking altogether. The Government of Bombay are also considering measures to bring about the ultimate suppression of opium smoking in the Presidency. A Bill to penalise opium smoking by other than registered smokers is being drafted by the Government of Bengal.

TRAINING OF INDIANS FOR HIGHER SERVICE IN THE FOREST DEPARTMENT.

42. **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to furnish information to the House about the progress made in the training of Indians for higher service in the Forest Department ?

Mr. G. S. Bajpai : A statement giving the information available has been laid on the table of the House.

Statement.

(*a*) Number of Indians recruited to the Indian Forest Service since 1921	59
(*b*) Number of Indians who have been or are being trained for technical posts at the Forest Research Institute, Dehra Dun	6

CONSTRUCTION OF A RAILWAY FROM MANMAD *via* MALAGAON AND DHULIA TO NARHANA.

43. **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government please state if the Railway Board has considered and come to any decision in the matter of the proposed construction of a railway line from Manmad *via* Malagaon and Dhulia to Narhana ? (*Vide* question No. 4 in the meeting of the Council of State on 6th February 1928) ?

(*b*) If so, will they please communicate its decision to the House ?

Mr. A. A. L. Parsons : The Agent of the Great Indian Peninsula Railway has been informed that the Railway Board do not consider the project remunerative, and are therefore not prepared to undertake its construction. If, however, the Government of Bombay are prepared to guarantee the line, they will reconsider the matter.

CONSTRUCTION OF THE BELAPUR-NASIK RAILWAY.

44. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if the Railway Board has come to any decision regarding the

construction of the Belapur-Nasik Railway ? (*Vide* question No. 5 in the meeting of the Council of State on 6th February 1928) ?

(*b*) If so, will they please communicate its decision to the House ?

Mr. A. A. L. Parsons : No decision has been reached. The alignment is under investigation.

THE POST OFFICE GUARANTEE FUND.

45. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to question No. 8 (*e*) and (*f*) in the meeting of the Council of State on 6th February 1928, stating that Rs. 10,75,651 were credited to the Capital Account of the Posts and Telegraphs Department, will Government please state for what purpose this fund has or will be utilized ?

The Honourable Mr. A. C. McWatters : As the purposes for which this fund was instituted, and its disposal, have been the subject of repeated questions in the Assembly, I will give a brief statement about it which I hope will make the position clear to the Honourable Member.

The Post Office Guarantee Fund came into existence in 1873 with, as its object, the making good within certain limits at the collective cost of the Post Office staff losses caused by the negligence or misconduct by postal employees. Subscriptions were taken at fixed rates of Rs. 2 and Re. 1 per annum according to pay, which rates of subscription were subsequently reduced, and finally, in 1905, ceased altogether to be levied. As the balance of the Fund grew, objects such as the grant of compassionate gratuities to the staff were included in the scope of the Fund, with the result that by 1925 expenditure of the following kinds was being met from it :

(*a*) losses caused by the negligence or misconduct of postal staff which would otherwise be irrecoverable,

(*b*) rewards for specially honest and courageous service of postal officials in the discharge of their duties,

(*c*) compensation to postal officials for loss of private property, due to accidents, *e.g.*, fire, floods, suffered by them while on duty,

(*d*) cost of journeys undertaken by certain low paid postal staff in connection with medical examination for the Post Office Insurance Fund ; and

(*e*) compassionate gratuities to postal staff and their dependants.

Of recent years the interest, amounting to a little over half a lakh of rupees annually, accruing on the existing investments of the fund proved no longer sufficient to meet all these charges. Government were not prepared to resume the former practice of levying subscriptions from the staff, and was decided to abolish the fund by crediting to the Post and Telegraph Capital Account the sale proceeds of the securities in which it was invested (amounting with interest to about Rs. 11 lakhs) and that, in future, expenditure under the various heads enumerated above should be budgeted for in full in the working expenses budget of the Department in the ordinary way. The total of these items of expenditure is considerably in excess of the interest which was formerly obtained from the fund investments, and it is obvious therefore that those who are interested in the disposal of the benefit by the decision taken in the matter.

SAFETY OF MAIL RUNNERS, ETC.

46. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state :

(*a*) What safeguards they have provided for the safety of the mail runners when they have to pass through dangerous places, namely, places where they may be liable to attacks from beasts or robbers ?

(*b*) Whether they propose to give one day's holiday in a week to postmen ; and, if not, what relief they propose to give to the postmen in this regard ?

The Honourable Mr. A. C. McWatters : (*a*) The Honourable Member is referred to the reply given on the 26th January 1926 by the Honourable Sir Bhupendra Nath Mitra to his starred question No. 250 in the Legislative Assembly. The measures described in that reply have been introduced and are being extended as far as funds permit ; but the Honourable Member will realise that to set on foot these measures to the maximum possible extent would be a very expensive business. The question of their extension is receiving the further attention of Government particularly with reference to the decision that, where cash or insured articles of over a specified value are carried, the runners should ordinarily be doubled, since it is doubtful whether in this case the precaution may not defeat its own object by advertising the value of the mail bags and may thus merely result in exposing two persons instead of one to danger. The Honourable Member may be assured that Government are doing their best to ensure the safety of mail runners where they are exposed to danger.

(*b*) The matter is under examination.

ELECTRIFICATION OF RAILWAYS FOR THE CALCUTTA SUBARBAN TRAFFIC SERVICE.

47. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state what further progress has been made regarding the electrification of railways for the Calcutta suburban traffic service (*vide* Government reply to question No. 90 in the meeting of the Council of State on the 13th March 1928) ?

Mr. A. A. L. Parsons : The Railway Board are now considering the reports on the project received from their Consulting Engineers and from an officer who was placed on special duty to deal with the engineering side of the scheme.

CONSTRUCTION OF A RAILWAY BETWEEN MUZAFFARPUR AND SITAMARHI.

48. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state what progress, if any, has been made regarding the proposed construction of the Muzaffarpur-Sitamarhi line ?

Mr. A. A. L. Parsons : The Railway Board have just received the traffic survey of this line.

RELEASE OF POLITICAL DETENUS.

49. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if any further releases of the persons detained under Regula-

tion III of 1818 and the Bengal Criminal Law Amendment Act, 1925, have been made since the question No. 106 was put in the meeting of the Council of State on 13th March 1928 ?

(*b*) If so, what is the number of the persons so released ?

The Honourable Mr. J. Crerar : The number of releases at the end of February was 118. On the 15th August the number of releases totalled 170. On the latter date there were only 13 persons under any form of restraint under the Bengal Criminal Law Amendment Act, and none of these were detained in jail.

NAMES OF THE HIGH COURTS WHICH HAVE FRAMED RULES UNDER THE INDIAN BAR COUNCILS ACT, 1926.

50. Khan Bahadur Sarfaraz Hussain Khan : Will the Government please state the names of the High Courts which have framed rules under the Indian Bar Councils Act, 1926 ?

The Honourable Mr. J. Crerar : Rules under the Indian Bar Councils Act, 1926, have been framed by the Madras, Calcutta, and Allahabad High Courts, and the Chief Court of Oudh. Government have been informed that the rules in respect of the Bombay, Rangoon and Patna High Courts will be ready by the 1st January 1929.

REPORT AND ESTIMATES OF THE SHIKOHABAD-ETAH-KASGANJ RAILWAY.

51. Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will Government please state if they have received the report and estimates of the Shikohabad-Etah-Kasganj Railway scheme [*vide* Government reply to question No. 144 (*h*) in the meeting of the Council of State on 22nd March 1928] ?

(*b*) If so, have they come to any decision ; and if they have, do they propose to communicate it to the House ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) The report and estimates are expected shortly.

RUNNING OF ANOTHER EXPRESS TRAIN FROM BOMBAY TO DELHI.

52. Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will Government please state if any decision has been arrived at regarding the running of another express train from Bombay to Delhi (*vide* Government reply to questions Nos. 145 and 146 in the meeting of the Council of State on 22nd March 1928) ?

(*b*) If so, do they propose to communicate the decision to the House ?

Mr. A. A. L. Parsons : Yes, another express train was introduced from 1st of May 1928.

THE DACCA-ARICHA RAILWAY.

53. Khan Bahadur Sarfaraz Hussain Khan : (*a*) Will the Government please state if the Railway Board has arrived at any decision regarding the Dacca-Aricha Railway [*vide* starred question No. 12 (*a*) (*b*) in the meeting of the Legislative Assembly on 1st February 1928] ?

(*b*) If so, do they propose to communicate the decision of the Board to the House ?

Mr. A. A. L. Parsons : The Railway Board have considered the report and estimates of the Dacca-Aricha Railway project, and the Government of India are in correspondence with the Secretary of State on the subject.

IMPORT OF VEGETABLE GHEE.

54. Khan Bahadur Sarfaraz Hussain Khan : With reference to Government reply to starred question No. 13 (*d*) regarding the import of vegetable ghee, vegetable fat, etc., into India, asked in the meeting of the Legislative Assembly on 1st February 1928, will the Government please state :

(*a*) If they have arrived at any decision regarding the suggestion by a Local Government to prohibit the import into, or manufacture within, British India of such products unless they are coloured in such a way that they cannot be mixed with or passed off as natural ghee without immediate detection ?

(*b*) If so, do they propose to communicate their decision to the House ?

(*c*) Will they please state the name of the Local Government which has made the above suggestion ?

(*d*) Do they propose to consult Local Governments other than the one which has made the suggestion ?

The Honourable Sir George Rainy : The suggestion was made by the Government of the Punjab. It has been referred to the other Local Governments and their views are awaited.

HOURS OF WORK AND WEEKLY REST DAY OF RAILWAY EMPLOYEES.

55. Khan Bahadur Sarfaraz Hussain Khan : With reference to Government reply to starred question No. 31 (*a*) asked in the meeting of the Legislative Assembly on 1st February 1928, regarding hours of work and weekly rest day of railway employees, will Government please state :

(*a*) If they have arrived at any decision on the Resolution received by the Railway Board from the Indian Railway Conference Association ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. A. A. L. Parsons : (*a*) and (*b*). The Railway Board have approved the adoption by the State-managed Railways of the Resolution passed at the 1927 Session of the Indian Railway Conference Association, a copy of which is appended to this reply, and have been informed that the Boards of Directors of practically all Company-managed Railways have also given their assent to that Resolution. Railways are proceeding with their preparations to give effect to that Resolution.

Proposal 28.

That this Conference recommends :

* * * * * * * *

(*ii*) that the provisions of the Geneva and Washington Conventions be applied to the staff of Indian Railways in the manner, and to the extent, prescribed in the following rules ; that these rules be given full effect within 12 months ending 30th September

1928, except in respect of the running staff ; that measures be taken to apply them to the running staff as soon as may be practicable ; that a report by an officer nominated by the Conference be submitted to the Conference at its Session in 1928, describing the manner in which these rules have been put into force on each railway and the extent to which they have been given effect ;

* * * * * * * *

Rules.

I. (1) With the exception of staff classed as supervising and persons engaged in a confidential capacity, the hours of work of all staff engaged on railway work shall be limited to 60 in a week when work is proceeding under normal conditions.

(2) In the case of persons whose work is essentially of an intermittent nature the sum of the hours of actual work performed within the prescribed hours of duty shall not exceed 60 in a week when work is proceeding under normal conditions.

(3) The Agents of Railways may make temporary exceptions, as provided for in Article 6 (*b*) of the Washington Convention, to the limitation prescribed in Rule I (*1*) for any class of staff or any individual in cases of abnormal traffic or other pressure of work, accidents, unforeseen interruptions to traffic and other emergencies.

II (1) The whole of the staff employed on the working of Railways, with the exceptions noted hereafter, shall enjoy under normal conditions of work in every period of seven days, a period of rest comprising at least 24 hours as provided for in Article 2 of the Geneva Convention.

(2) The following total exceptions to Rule II (1) are made as authorised by Article 4 of the Convention :

(*a*) All staff classed as supervising staff.

(*b*) Staff whose work is essentially of an intermittent nature.

(3) The Agents of Railways may make temporary or partial exceptions to Rule II (1) in regard to any class of the staff in cases of abnormal traffic or other pressure of work, accidents, unforeseen interruptions to traffic and other emergencies.

III. For the purposes of these rules all staff engaged on railway work may be classed in the following categories. The Agent's decision being final in the classification of any grade not particularly specified therein :

(*a*) Supervising staff.—This includes all superior gazetted officers and subordinate supervising staff such as :

Inspectors and Assistant Inspectors.

Supervisors and Overseers.

Superintendents and Deputy Superintendents.

Foremen and Assistant Foremen.

Yardmasters.

Chief Train Controllers.

Head Train Examiners.

Station Masters supervising stations but not actually engaged in train-passing duties.

Goods Clerks and Booking Clerks working in a supervising capacity, etc.

Assistant Surgeons and Sub-Assistant Surgeons.

(*b*) Clerical Staff in supervising offices and all whose work is of a purely clerical nature.

(*c*) Staff whose work is governed by the Indian Factories Act.

(*d*) Staff whose work is governed by the Indian Mines Act.

(*e*) Running Staff.—This includes Drivers, Firemen, Guards, Brakesmen, Travelling Ticket Examiners, and staff engaged in the Crew Ticket check system and all staff travelling by trains on duty connected with the running of those trains.

(*f*) Staff other than the above whose work is of a continuous nature.

(*g*) Staff other than the above whose work is essentially of an intermittent nature.

IV. Under these rules the principle of the 60 hour week is applied to all railway staff except those in category (*a*) and the weekly rest day will be enjoyed by all railway staff except those in categories (*a*) and (*g*).

Resolution 28.

The proposal was put to the vote and CARRIED *nem con.*

9th August 1928.

WANT OF A RAILWAY IN THE SATKHIRA SUB-DIVISION, BENGAL.

56. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to question No. 67 (*b*) in the meeting of the Council of State on the 20th February 1928, will Government please state if the Agent, Eastern Bengal Railway, who was asked to look into the matter, has submitted any report ?

(*b*) If so, do Government propose to communicate the gist of the report to the House ?

(*c*) If the answer to part (*a*) above is in the negative, do Government propose to ask the Agent to expedite the matter ?

Mr. A. A. L. Parsons : (*a*), (*b*) and (*c*). The Agent of the Eastern Bengal Railway has pointed out that in any case the Satkhira Navaran Railway could not, in view of the other projects on the Programme, be taken up for several years, and that, as it was undesirable to proceed with traffic and engineering surveys considerably in advance of the time at which construction was likely to be possible, he did not think it desirable to reinvestigate this particular project immediately, and the Railway Board have accepted his views.

GRANT OF SCHOLARSHIPS TO INDIAN STUDENTS FOR ARCHAEOLOGICAL TRAINING IN EUROPE.

57. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to question No. 70 (*a*) (*b*) in the meeting of the Council of State on the 27th February 1928, regarding grant of scholarships to Indian students for archæological training in Europe, do Government propose to grant scholarships to Indian students for archæological training in Europe ? If not, why not ?

Mr. G. S. Bajpai : The Honourable Member is referred to the answer given to Mr. Aney's question No. 363 on the 7th March 1928.

CONSTRUCTION OF THE DACCA-ARICHA BRANCH OF THE EASTERN BENGAL RAILWAY.

58. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if the Railway Board has come to any decision, regarding the construction of the Dacca-Aricha branch of the Eastern Bengal Railway (*vide* Government reply to question No. 88 in the meeting of the Council of State on the 13th March 1928) ?

(*b*) If so, do they propose to communicate its decision to the House ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to the answer given to his question No. 53 of date.

CONSTRUCTION OF THE BARISAL-FARIDPUR RAILWAY.

59. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to question No. 89 and question No. 105 in the meeting of the Council of State on 13th March 1928, regarding the construction of the Barisal-Faridpur Railway, will Government please state if the Agent, Eastern Bengal Railway, has submitted the report of the result of his investigation ?

(*b*) If not, do they propose to ask him to expedite the work ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) The Agent has been asked when the report may be expected.

USE OF "CERTIFIED" FLAME-PROOF APPARATUS IN INDIAN MINES.

60. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state why no steps have so far been taken to enforce by regulation the use of "certified" flame-proof apparatus in Indian mines [*vide* Government reply to starred question No. 46 (*b*) given in the meeting of the Legislative Assembly on 1st February 1928] ?

(*b*) Will Government also please state if they propose to take any steps in the matter in the near future ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). Rule 99 of the Indian Electricity Rules lays down the precautions which must be taken in the use of electrical apparatus in any part of a mine where inflammable gas or vapour is likely to occur. There has so far been no instance in Indian mines where ignition has been caused by sparking from electrical machines. An increasing proportion of "certified" electrical apparatus is being used in Indian mines, and the Government of India do not at present propose to enforce by regulation the use of "certified" flame-proof apparatus.

NEED FOR MORE ORDERLY SERVICE OF FOOD, ETC., IN SHIPS CARRYING EMIGRANTS OVERSEAS.

61. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have received the report of the Controller of Labour, Malaya, regarding need for more orderly service of food, etc., in ships carrying emigrants overseas [*vide* Government reply to starred question No. 52 (*b*) in the meeting of the Legislative Assembly on 1st February 1928] ?

(*b*) If so, will they please lay a copy of the report on the table of the House ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The Agent's suggestion that food be served out to emigrants by making them sit in rows was not considered feasible by the Shipping Agents. His suggestion regarding the supply of eating dishes to emigrants has also not been accepted owing to—

(*i*) the preference of some emigrants to receive food on leaves ;

(*ii*) the refusal of several emigrants to use dishes used in previous voyages ; and

(*iii*) the difficulty of properly washing and disinfecting a large number of these dishes.

The suggestion regarding the supply of tin cups for drinking water or for ablution purposes has been accepted and is being given effect to.

REGULATIONS FOR THE PROTECTION OF WORKERS EMPLOYED IN DANGEROUS AND UNHEALTHY INDUSTRIES.

62. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to supplementary question to starred question No. 56, regarding regulations for the protection of workers employed in dangerous and unhealthy industries, asked in the meeting of the Legislative Assembly on 1st February 1928, will Government please state if they have come to any decision on the question of passing legislation on the lines of the regulations made in England ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). The Government of India are considering the question and have not yet reached a decision.

HAJ PILGRIMS.

63. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to starred question No. 59, regarding Haj pilgrims, asked in the meeting of the Legislative Assembly on 1st February 1928 will Government please lay on the table of the House a copy of the information when received from the Local Government concerned ?

Mr. G. S. Bajpai : A statement containing the information furnished by the Governments of Bombay and Bengal has been placed in the Library.

PROHIBITION OF THE EMPLOYMENT OF WOMEN UNDERGROUND.

64. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have arrived at any decision on the views of the Mining Boards, regarding prohibition of the employment of women underground in mines (*vide* the latter portion of Government reply to starred question No. 33 in the meeting of the Legislative Assembly on 1st February 1928) ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). The provisional conclusions of the Government of India on the matter are set out in their Notification No. M.-1055, dated the 14th June 1928, publishing draft regulations for criticism in accordance with the provisions of section 31 (1) of the Indian Mines Act, 1923. The attention of the Honourable Member is also invited to the press communiqué, dated the 22nd June 1927, and the circular letters inviting the views of the Local Governments, copies of which are available in the Library of the House.

DEDUCTION OF WAGES.

65. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state if they have arrived at any definite decision now (*vide* Government

reply to starred question No. 34 in the meeting of the Legislative Assembly on 1st February 1928, regarding deduction of wages) ?

The Honourable Mr. A. C. McWatters : The answer is in the negative.

INTRODUCTION OF LEGISLATION FOR THE PROMPT PAYMENT OF WAGES.

66. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have arrived at any decision on the question of introduction of legislation, regarding the prompt payment of wages (*vide* Government reply to starred question No. 35 in the meeting of the Legislative Assembly on 1st February 1928) ?

(*b*) If so, will they please make a statement to the House ?

The Honourable Mr. A. C. McWatters : (*a*) The answer is in the negative.

(*b*) Does not arise.

RECOGNITION OF RAILWAY UNIONS.

67. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 42 (*a*) and (*b*), regarding recognition of Railway Unions asked in the meeting of the Legislative Assembly on 1st February 1928, will Government please state if they have come to any decision in the matter ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir George Rainy : Government have come to the following conclusions :

(1) The fact that a Union has been registered under the Indian Trade Unions Act should predispose an Agent to accept it as representing the interests of its members and their views.

(2) The decision whether, and if so to what extent, a claim of any particular Union to represent matters affecting the staff of the railway may be admitted must be dependent on the extent to which the Union in question is actually representative, in its numbers, influence and standing, of the staff as a whole or of a particular class or particular classes of the staff.

DELIVERY POST OFFICES IN PATNA.

68. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if all other Post Offices except those of Patna and Patna City in the town of Patna have of late ceased to be delivery offices ?

(*b*) If so, will Government please state the reasons for this change ?

(*c*) Are Government aware that the change referred to causes inconvenience to the public ?

Mr. P. G. Rogers : (*a*) Yes.

(*b*) To ensure correct and punctual deliveries throughout the area.

(*c*) No. A complaint has, however, been received on this score and is being investigated. The result will be communicated to the Honourable Member.

EMPLOYMENT OF WOMEN CLERKS IN POST OFFICES.

69. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to unstarred question No. 26 (*b*) in the meeting of the Legislative Assembly on 6th February 1928, regarding employment of women clerks in Post Offices, will Government please state if they have arrived at any decision regarding the question of abolishing the special rates for women clerks and of removing the existing restrictions upon their employment ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. A. C. McWatters : (*a*) No decision has been arrived at.

(*b*) Does not arise.

POLITICAL PRISONERS IN ASSAM.

70. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to unstarred question No. 494 in the meeting of the Legislative Assembly on 27th March 1928, regarding number of political prisoners in Assam, will Government please state the date on which and the place where each political prisoner was imprisoned ?

Sir Denys Bray : As stated in my previous reply there is only one political prisoner in Assam, a Manipuri detained for his complicity in the Kuki rebellion. He was first detained in the Imphal Jail on the 9th August 1918, was later transferred to the Dibrugarh Jail, and is now in the Shillong Jail.

ESTATE OF MIRZA SURAIYA JAH, A MEMBER OF THE *ex*-ROYAL FAMILY OF DELHI.

71. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 543 asked in the meeting of the Legislative Assembly on 26th March 1928, regarding the estate of Mirza Suraiya Jah, a member of the *ex*-Royal Family of Delhi, will Government please state if enquiries in the matter have been completed ?

(*b*) If so, will Government please communicate the result of the enquiries to the House ?

Sir Denys Bray : (*a*) Yes, and the result was duly communicated to the Honourable Member who asked the question.

(*b*) The answer was as follows :

"1. Yes. Total value Rs. 1,613-7-0 per mensem.

2. (*a*) Yes. The legitimacy of the claimant, Mirza Salim Mohammad Shah, was considered to be doubtful.

(*b*) He obtained a decree declaring him to be a legitimate son but granting him only a share in the personal property of the late Mirza Suraiya Jah. He died before the decree was executed.

(*c*) No. The deceased had obtained only a share in the joint property. The superintendence of the property remained with the Court of Wards in accordance with the provisions of Punjab Act II of 1903 (*see* sections 8, 10 and 46).

(*d*) Her mother so applied on her behalf. But it had been decided by Government fourteen years previously that a female could not be recognised as head of the family, and that in default of a suitable male member the Court of Wards must be regarded as head of the family *pro tem*.

(*e*) No. A daughter of Mirza Suraiya Jah and her son and daughters are also living.

(*f*) See (*e*) above. The question of her mother's dower debt is under consideration together with other heavy liabilities of her deceased father, whose property has come under the Court of Wards.

(*g*) Yes, under the Memorial Rules published with Government of India Notification No. F.-472-II-2 23, dated the 21st June 1924.

(*h*) The Government of India are asking the Honourable the Chief Commissioner for a report as to the disposal of the case."

With reference to (*h*) above, the Officiating Chief Commissioner, Delhi, has submitted a report of the arrangements which have been approved by him in connection with the affairs of the late Mirza Salim Mohammad Shah.

A summary of that report is attached herewith for the Honourable Member's information; a copy has been sent to the Honourable Mr. Muhammad Ismail Khan.

Summary.

1. After investigation under section 26 of the Punjab Court of Wards Act, II of 1903, of the outstanding claims against the deceased Mirza Salim Mohammad Shah, son of the late Mirza Suraiya Jah, it was found that the deceased's share in the joint property was heavily involved in debt to the extent of Rs. 75,628, as detailed below :—

	Rs.
(*a*) Court of Wards	47,028
(*b*) Dower of widow Nawab Qaisar Jehan Begum	20,000
(*c*) Messrs. Alopi Pershad Ram Sarup	8,500
(*d*) M. Saiduddin	100
	75,628

As regards (*b*), Nawab Qaisar Jehan Begum claimed as her dower allowance the sum of Rs. 50,000, but as the dower promised was considered exorbitant, she was allowed a maximum of Rs. 20,000.

As regards (*c*), Messrs. Alopi Pershad Ram Sarup put in a claim of Rs. 19,500 for subsidizing the civil suit of the late Mirza Salim Mohammad Shah, but the amount allowed them was Rs. 8,500 only, without interest.

As regards (*d*), M. Saiduddin holds a promissory note for Rs. 100 which has been submitted for payment.

2. The total value of the share of the late Mirza Salim Mohammad Shah is Rs. 88,753-14-0, and after deducting the amount of the debts mentioned above, the divisible value of the property remains at Rs. 13,125 which devolves on the reversioners in the shares to which each is entitled under the Muhammadan Law, as shown below :

Names of creditors and reversioners.	Share of each reversioner under Muhammedan Law.	Value of share.	Debts payable by deceased.	Total share of reversioner.
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.
1. M. Saiduddin	..	..	100 0 0	..
2. Messrs. Alopi Pershad Ram Sarup.	..	..	8,500 0 0	..
3. Nawab Qaisar Jehan Begum (widow).	1 8 0	1,640 11 9	20,000 0 0	21,640 11 9
4. Mussammat Taimur Jehan Begum (daughter).	4 8 0	6,562 15 0	..	6,562 15 0
5. Nawab Badshah Jehan Begum (sister).	3 8 0	4,922 3 3	47,028 0 0	51,950 3 3
Total ..	..	13,125 14 0	75,628 0 0	80,153 14 0

3. Of the creditors, Messrs. Alopi Pershad Ram Sarup and Saiduddin will be paid in cash. As no surplus money is available and as the deceased's share is under the superintendence of the Court of Wards and no charge can be created on its (this ?) share, under section 8 of the Punjab Court of Wards Act, the claims of these creditors are therefore to be met from the income which will accrue hereafter, *i.e.*,

(*a*) Rs. 100 to M. Saiduddin in December 1928.

(*b*) Rs. 1,000 per annum without interest at the end of each month of March to Messrs. Alopi Pershad Ram Sarup.

4. As regards the reversioners in the case, in the first place it will not be possible within the next few years to pay them in cash, and in the second, such a course is not considered desirable. It has therefore been decided to raise the share of their joint property to the extent of their debts as indicated below :

	Present share of each reversioner under Muhammadan Law, *vide* paragraph 2 above.	Rate of share under the new arrangement.
	Rs. a. p.	Rs. a. p.
Nawab Qaisar Jehan Begum ..	1 8 0	1 4 0
Musammat Timur Jehan Begum ..	4 8 0	1 12 0
Nawab Badshah Jehan Begum ..	3 8 0	2 3 0

OPENING OF THE RAILWAY FROM HAPUR TO LUXAR.

72. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to unstarred question No. 452 in the meeting of the Legislative Assembly on 26th March 1928, regarding opening of the railway from Hapur to Luxar, will Government please state what further progress, if any, has been made in the matter ?

Mir Dard. The claim was rejected on the 18th April 1919 by the District Judge, by the following order—

"The land being *waqf* the money cannot be given to him unless a proposal to purchase land for the *waqf* to replace that acquired is put forward and agreed to by the community for whom the *waqf* was intended and it cannot be invested as the applicant objects on religious grounds to taking any interest, therefore it is inadvisable to invest the money."

(*ii*) The Anjuman Muhafiz Auqaf, Delhi, filed an application in the Court of the District Judge, Delhi, requesting that the compensation for certain lands be made over to the Anjuman for expenditure in connection with mosques and grave yards on behalf of the Muslim community of Delhi. The question of the establishment of a trust for the purpose was thereupon considered by Government ; but the legal and other difficulties were found to be great. The local Administration, however, proposed to look into the matter again and see if there is any possible alternative.

MOVE OF THE GOVERNMENT OF INDIA TO SIMLA.

80. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to unstarred question No. 400 (*c*) in the meeting of the Legislative Assembly on 17th March 1928, regarding move of the Government of India to Simla, will Government please state if they have arrived at any decision on the question ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. J. Crerar : (*a*) and (*b*) No final decision has been arrived at. The question is still under consideration.

QUESTIONS RELATING TO THE EAST INDIAN RAILWAY.

81 **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred questions Nos. 416 to 422 asked in the meeting of the Legislative Assembly on 13th March 1928, will Government please state if they have completed their enquiries ?

(*b*) If so, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) I am communicating the information received to the Honourable Member.

APPOINTMENT OF MR. J. C. MAIR AS ASSISTANT ACCOUNTANT UNDER THE PORT COMMISSIONERS, CALCUTTA.

82. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have come to any decision in the matter of the appointment of Mr. J. C. Mair as Assistant Accountant under the Port Commissioners, Calcutta (*vide* Government reply to starred question No. 429, asked in the meeting of the Legislative Assembly on 14th March 1928) ?

(*b*) If so, will Government please communicate the result to the House ?

The Honourable Sir George Rainy : The Government of India are informed that Messrs. J. C. Mair and K. B. Roy were appointed Assistant Accountants under the Commissioners for the Port of Calcutta in accordance with a unanimous resolution of the Commissioners in meeting on the 11th June last. The appointments have been sanctioned by the Government of Bengal.

INDIANISATION OF THE HIGHER GRADES OF THE TECHNICAL AND NON-TECHNICAL SERVICES OF THE PORT COMMISSIONERS, CALCUTTA.

83. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 430 (*b*) asked in the meeting of the Legislative Assembly on 14th March 1928, regarding Indianization of the higher grades of the technical and non-technical services of the Port Commissioners, Calcutta, will Government please state if further enquiries in the matter have been made ?

(*b*) If so, will they please communicate the result for the information of the House ?

The Honourable Sir George Rainy : Enquiries have been made from the Government of Bengal and their reply is awaited.

CONSTRUCTION OF A RAILWAY BETWEEN MUZAFFARPUR AND SITAMARHI.

84. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if the result of the survey, regarding construction of a railway line between Muzaffarpur and Sitamarhi (B. and O.) has been received from the Agent, Bengal and North Western Railway (*vide* Government reply to unstarred question No. 395 in the meeting of the Legislative Assembly on 14th March 1928) ?

(*b*) If so, will they please state when the construction of the line is expected to be taken up ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The Railway Board have still to consider the traffic survey and cannot therefore say at present if and when the construction of the line will be taken up.

SULPHUR SPRINGS AND MEDICINAL NATURAL WATERS IN INDIA OR BURMA.

85. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 495 (*a*) and (*b*), regarding existence of sulphur springs and other medicinal natural waters in India or Burma asked in the meeting of the Legislative Assembly on 21st March 1928, will Government please state if they have completed their enquiries ?

(*b*) If so, will they please communicate the result to the House ?

Mr. G. S. Bajpai : (*a*) and (*b*). Copies of the letters received from Local Governments and Administrations on the subject have been placed in the Library of the House.

ESTABLISHMENT OF PROVINCIAL PUBLIC SERVICE COMMISSIONS.

86. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to unstarred question No. 384 in the meeting of the

Legislative Assembly on 13th March 1928 regarding establishment of Provincial Public Service Commissions, will Government please state if they have arrived at any decision on the question ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. J. Crerar : The matter is under the consideration of the Secretary of State in Council.

USE OF VEGETABLE GHEE TO ADULTERATE PURE GHEE.

87. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state the names of the provinces in respect of which complaints have been made that vegetable ghee is fraudulently used to adulterate pure ghee [*vide* Government reply to starred question No. 403 (*b*) asked in the meeting of the Legislative Assembly on 12th March 1928] ?

(*b*) Do Government propose to make enquiries from those provinces as to the actual state of things existing in the provinces in respect of the question and communicate the result of their enquiries to the House ?

The Honourable Sir George Rainy : (*a*) Bengal, United Provinces, Punjab, Bihar and Orissa and Delhi.

(*b*) The Government of India have already addressed Local Governments and Administrations on the subject and their replies are awaited.

SUPPLY OF ANNUAL REPORTS OF THE DIFFERENT DEPARTMENTS OF THE GOVERNMENT OF INDIA FREE OF CHARGE TO MEMBERS OF THE LEGISLATIVE ASSEMBLY.

88. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have considered the question of supply of Annual Reports of the different Departments of the Government of India free of charge to Members of the Legislative Assembly (*vide* Government reply to starred question No. 411 on the 12th March 1928) ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) For reasons of economy it has been decided not to supply Government publications to Members of the Indian Legislature free of charge as a matter of ordinary routine. The Library of the Legislature now receives six copies of each such publication, and Honourable Members have access to these publications there. Requests from individual Members of either House for a free supply of any publication in which they may be specially interested will, however, be considered by each Department.

EMPLOYMENT OF BIHARIS AND ORIYAS IN THE GOVERNMENT OF INDIA SECRETARIAT.

89. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if the information has been collected, *vide* Government reply to unstarred question No. 370 on the 12th March 1928, regarding employment of Biharis and Oriyas in the Government of India Secretariat and other offices ?

(*b*) If so, will they please lay the information collected on the table. ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) A copy of the answer given to Mr. Amar Nath Dutt is laid on the table.

Information supplied to Mr. Amar Nath Dutt, M.L.A., in reply to his question No. 370 in the Legislative Assembly on the 12th March 1928 :

The number of men from the province of Bihar and Orissa holding ministerial posts in Central Government offices to which recruitment is made through the Public Service Commission is 8, and their proportion to men from the other provinces is roughly 1:200.

Officers have not hitherto generally been appointed on the advice of the Public Service Commission.

EMPLOYMENT OF BIHARIS AND ORIYAS INTHE OFFICE OF THE AUDITOR GENERAL.

90. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if the enquiries have been completed, *vide* Government reply to unstarred question No. 373 on the 12th March 1928, regarding employment of Biharis and Oriyas in the office of the Auditor General ?

(*b*) If so, will they please communicate the result to the House ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*) The information supplied in reply to unstarred question No. 373 will be found in the Library of the House.

TRAVELLING TICKET COLLECTORS AND CREWMEN ON THE EAST INDIAN RAILWAY.

91. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the information called for been obtained, *vide* Government reply to starred question No. 384, regarding Travelling Ticket Collectors and Crewmen on the East Indian Railway asked in the meeting of the Legislative Assembly on 10th March 1928 ?

(*b*) If so, will they please furnish the information to the House ?

Mr. A. A. L. Parsons : Yes, I am sending the information collected to the Honourable Member.

CONSTRUCTION OF A CIVIL AERODROME AT GAYA.

92. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state what progress has been made in the construction of a Civil Aerodrome at Gaya, *vide* Government reply to my unstarred question No. 338 (*a*), on the 10th March 1928 ?

The Honourable Mr. A. C. McWatters : The levelling of the Civil Aerodrome at Gaya has been practically completed; but as the aerodrome is situated on black cotton soil, surface dressing cannot be effectively carried out in wet weather. This item of work will be put in hand immediately after the rains and will be finished within a fortnight. It is hoped that the approach road to the aerodrome will be completed before the end of November.

BENGAL RAIL PROJECT.

93. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to my unstarred question No. 339 (*a*), of the 10th March 1928, regarding the Bengal Rail Project, will Government please state if the scheme has been put before the Standing Finance Committee for consideration ?

(*b*) If so, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) Does not arise.

AMENDMENT OF THE IMMIGRATION LAW IN PANAMA.

94. **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state if they are in a position to give any further information regarding "Amendment of the Immigration Law in Panama" (*vide* Government reply to my unstarred question No. 351, on 10th March 1928) ?

Sir Denys Bray : I am glad to say that the new Panama Immigration Law, which came into force last March, removes all restrictions against British Indian subjects.

RESOLUTION NO. 90 PASSED AT THE 7TH SESSION OF THE ALL-INDIA POSTAL AND RAILWAY MAIL SERVICE CONFERENCE HELD AT NAGPUR.

95. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Have Government arrived at any decision on the subject, *vide* my unstarred question No. 343 (*a*) and (*b*), and its reply on 10th March 1928, regarding Resolution No. 90 passed at the 7th Session of the All-India Postal and Railway Mail Service Conference held at Nagpur ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. A. C. McWatters : I propose to answer questions Nos. 95 and 128 together. The matter is still under consideration.

TIME-TEST OF THE DEAD LETTER OFFICE.

96. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if they have arrived at any decision on the subject of the time-test of the Dead Letter Office (*vide* Government reply to my unstarred question No. 348 (*a*) and (*b*), on 10th March 1928) ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). No decision has as yet been reached in the matter.

LEAVE AND PENSION RULES FOR INFERIOR SERVANTS OF GOVERNMENT.

97. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to starred question No. 343, and its reply on the 7th March 1928, regarding leave and pension rules for inferior servants of Government, will Government please state if they have arrived at any decision on the question ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) and (*b*). No decision has been reached as regards leave. As regards pension, the only decision so far taken is that the temporary increase of small pensions already in force should continue till 1st November 1929. In the interval it is hoped that the Classification Rules will be issued and the Government of India will then re-examine the matter in the light of the situation thus created and of the action taken in regard to the same matter by Provincial Governments in general.

SUICIDE OF AMBIKA CHARAN KHAN, A DETENU.

98. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will the Government be pleased to state if they are aware of the result of the enquiries made by the Secretary of State, *vide* Government reply to my unstarred question No. 208 (*b*), on the 7th March 1928, regarding the suicide of Ambika Charan Khan, a detenu ?

(*b*) If so, will they please communicate the result to the House ?

The Honourable Mr. J. Crerar : The results of the enquiries were stated in the answer that I gave in this House on the 7th March 1928 to parts (*c*) and (*d*) of the Honourable Member's question No. 208.

PAUCITY OF RECRUITS FOR THE ARMY FROM BIHAR AND ORISSA.

99. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to my unstarred question No. 214 (*a*) and (*b*), and its reply on the 7th March 1928, regarding paucity of recruits for the Army from Bihar and Orissa, will Government please state the reasons for the discontinuance of recruitment for the Indian Army in the Province referred to ?

Mr. G. M. Young : The attention of the Honourable Member is invited to the reply given on the 22nd August 1927 to part (*a*) of starred question No. 57.

REMOVAL OF VALUABLE RELICS FROM THE MUSEUM AT PATNA TO THE MUSEUM AT CALCUTTA.

100. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to Government reply to my unstarred question No. 217 (*a*) that "the question is still under consideration" on the 7th March 1928, regarding removal of valuable relics from the museum at Patna to the museum at Calcutta, will Government please state if they have arrived at a decision ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. G. S. Bajpai : (*a*). The question is still under consideration.

(*b*) Does not arise.

LOCATION OF THE IMPERIAL LIBRARY.

101. **Khan Bahadur Sarfaraz Hussain Khan :** (*a*) With reference to Government reply to my unstarred question No. 261 (*a*) that " the matter is still under consideration " on the 7th March 1928, regarding the location of the Imperial Library, will Government please state if they have arrived at a decision ?

(*b*) If so, do they propose to do so for the information of the House ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) It has been decided to retain the Imperial Library in Calcutta.

STATUS OF INDIANS IN FIJI.

102. **Khan Bahadur Sarfaraz Hussain Khan :** (*a*) With reference to Government reply to my unstarred question No. 272 that " Government regret that it is not possible for them, at this stage, to lay the correspondence on the table " on the 7th March 1928, regarding the status of Indians in Fiji, will Government please state if they are now in a position to lay the correspondence on the table ?

(*b*) If so, do they propose to do so for the information of the House ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) Does not arise.

REVISION OF THE PENSIONS OF THE MENIAL STAFF IN SOME GOVERNMENT DEPARTMENTS.

103. **Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Will Government please state if they have arrived at a decision on the question of the revision of the pensions of the menial staff in some Government Departments (*vide* Government reply to my unstarred question No. 274 on 7th March 1928) ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir Bhupendra Nath Mitra : I would refer the Honourable Member to the reply I have just given to his question No. 97.

POPULARISATION OF THE USE OF COAL AS A DOMESTIC FUEL.

104. **Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Will Government please state if they have arrived at a decision on the question of popularising the use of coal as a domestic fuel (*vide* Government reply to my unstarred question No. 288 on 7th March 1928) ?

(*b*) If so, will they please communicate their decision to the House ?

The Honourable Sir George Rainy : The Mining Federation have been informed that the Government of India are unable to accept the conditions by which the scheme is accompanied.

TRAINING OF MARINE WIRELESS OPERATORS.

105. **Khan Bahadur Sarfaraz Hussain Khan :** Will Government please state if the arrangements for the training of Marine Wireless Operators at the Government Wireless Training Establishment in Calcutta have been completed ?

Mr. P. G. Rogers : The arrangements were completed in March 1928.

REPORT AND ESTIMATES OF THE CHARSADDA SWABI RAILWAY.

106. **Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Will Government please state if the report and estimates of the Charsadda Swabi Railway have been received from the Agent, North-Western Railway ?

(*b*) If so, will Government please state what further progress has been made in the matter ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) Does not arise.

SERVICE CONDITIONS OF TELEPHONE OPERATORS.

107. **Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Will Government please state if the Director General of Posts and Telegraphs has arrived at a decision in the matter of other service conditions of telephone operators serving in the Posts and Telegraphs Department (*vide* Government reply to my unstarred question No. 314 on 7th March 1928) ?

(*b*) If so, will they please communicate the decision to the House ?

The Honourable Mr. A. C. McWatters : (*a*) No. The question is under review.

(*b*) Does not arise.

ABOLITION OF SLAVERY AND HUMAN SACRIFICES IN THE TRIANGLE AND NAGA COUNTRY.

†108. **Khan Bahadur Sarfaraz Hussain Khan :** (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 1st May 1928, page 9, under the heading " Slavery Abolition " ?

(*b*) If so, will they please state if the reports made therein regarding the anti-slavery and the abolition of human sacrifice campaign conducted in the Triangle and the Naga Country are correct ?

(*c*) Can Government give further information in connection with the matters referred to ?

(*d*) If so, do they propose to furnish information to the House ?

†For answer to this question, see answer to question No. 37.

CONSTRUCTION OF A NEW HOSPITAL AT DELHI.

109. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to my unstarred question No. 143 on the 1st March, 1928, regarding the construction of a new hospital in Delhi, will Government please state if they have arrived at a final decision now ?

(*b*) If so, will they please communicate their decision to the House ?

Mr. G. S. Bajpai : (*a*) The Government of India have not yet arrived at a decision in the matter.

(*b*) Does not arise.

ARTICLE IN THE *Labour* OF JANUARY 1928, ENTITLED "SAD PLIGHT OF SORTERS DURING FLOODS".

110. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to unstarred question No. 165 (*b*), (*c*), (*d*), on the 1st March, 1928, regarding the article in the *Labour* of January, 1928, entitled "Sad plight of sorters during floods", will Government please state if the enquiry has been completed ?

(*b*) If so, will they please communicate the result of the enquiry to the House ?

Mr. P. G. Rogers : (*a*) Yes.

(*b*) The results of the enquiry were communicated by letter on the 19th June, 1928, to the Honourable Member in whose name the question stood. The replies to the unanswered portion of the question are :

(*b*) No. Neither the sorters nor mails were in danger.

(*c*) Yes.

(*d*) They despatched an inspector to the scene and telegraphed funds to the nearest post office. I may add that special allowances were granted to the sorters in consideration of the special circumstances of the case.

GRANT OF HOUSE RENT ALLOWANCES TO POSTAL OFFICIALS.

111. **Mr. V. V. Jogiah** : (*a*) Will the Government be pleased to state if any action was taken by the Director-General, Posts and Telegraphs, regarding grant of house rent allowances to the officials employed at the places enumerated in my unstarred question No. 102 put during September 1927 session of this Assembly ?

(*b*) If not, do Government propose to direct that the matter should be decided without delay ?

The Honourable Mr. A. C. McWatters : (*a*) After careful enquiry the Director-General is satisfied that there is no case for the grant of house rent allowances to postal officials at the places in question.

(*b*) Does not arise.

INADEQUATE STAFF OF INSPECTORS IN THE GANJAM POSTAL DIVISION.

112. **Mr. V. V. Jogiah** : (*a*) Are the Government aware of the fact (*i*) that in the Ganjam Postal Division of the Madras Circle, Postal Inspectors have to spend much time in travelling for want of proper means of conveyance especially in the vast Agency Tracts, (*ii*) that each Inspector has got work (inspection, enquiry and investigation, etc., and the time required for travelling) to perform for which even a whole year is quite insufficient, (*iii*) that several frauds are being committed and (*iv*) that the work in almost all directions is much in arrears owing to imperfect supervision and inadequate staff of Inspectors ?

(*b*) If not, do Government propose to enquire into the matter and sanction the required additional staff at an early date ?

Mr. P. G. Rogers : (*a*) (*i*) Yes.

(*ii*) No.

(*iii*) Frauds have occurred, but their number is not abnormal.

(*iv*) The work is in arrears to some extent, but this is not due to an inadequate inspection staff.

(*b*) The Postmaster-General, Madras, has redistributed the work among the Inspectors, and additional staff is not required.

PAUCITY OF SIGNALLERS IN THE GANJAM POSTAL DIVISION.

113. **Mr. V. V. Jogiah** : (*a*) Are the Government aware of the fact that in the Ganjam Postal Division there has been a great paucity of combined hands (officials qualified in telegraphy) since the opening of the Division and that there are at present only 40 active signallers against 48 required ?

(*b*) If not, do Government propose to enquire and take special steps to recoup the number at an early date ?

Mr. P. G. Rogers : (*a*) Yes. The actual figures are 38 signallers against 37 signalling appointments.

(*b*) The Postmaster-General, Madras, has already taken steps to make good the deficiency.

INADEQUACY OF THE SPECIAL ALLOWANCES TO POSTAL OFFICIALS EMPLOYED IN THE AGENCY TRACTS OF THE GANJAM DIVISION.

114. **Mr. V. V. Jogiah** : (*a*) Are the Government aware that the special allowances granted to postal officials employed in the Agency Tracts of the Ganjam Division are quite inadequate and far less than those granted to officials of the several departments of the Local Government ?

(*b*) If not, do Government propose to enquire and sanction similar allowances at an early date ?

The Honourable Mr. A. C. McWatters : (*a*) The answer is in the negative.

(*b*) The existing rates of compensatory allowances and special pay in the Posts and Telegraphs Department are under review.

SUPPLY TO THE OFFICES IN THE GANJAM DIVISION OF ORIYA TRANSLATIONS OF PUBLICATIONS CONCERNING THE POSTAL DEPARTMENT.

115. **Mr. V. V. Jogiah** : (*a*) Are the Government aware that in the Ganjam Division there are several places where Oriya alone is the prevailing language and that nevertheless the offices situated there are not supplied with documents and publications concerning the Postal Department translated into Oriya ?

(*b*) If not, do Government propose to enquire into the matter and sanction the supply at an early date ?

Mr. P. G. Rogers : (*a*) No.

(*b*) Enquiries are being made and the Honourable Member will be informed of the action taken.

TENURE OF THE APPOINTMENT OF A HEAD CLERK OF THE APPOINTMENT BRANCH OF A POSTMASTER GENERAL'S OFFICE.

116. **Mr. V. V. Jogiah** : (*a*) Will the Government be pleased to state the period for which the head clerk of the Appointment Branch of a Postmaster-General's office can continue as such ?

(*b*) Is this period insisted on in the Madras Circle ?

Mr. P. G. Rogers : (*a*) It has recently been decided that the Head Clerk of the appointment section in a Postmaster-General's office can continue in this appointment for not more than three years at a time. Orders to this effect are under issue.

(*b*) Does not arise.

PERIODICAL INSPECTION BY POSTMASTERS-GENERAL OF THE SEVERAL BRANCHES OF THEIR OFFICES.

117. **Mr. V. V. Jogiah** : (*a*) Will the Government be pleased to state if the several branches of the office of a Postmaster-General are inspected by him periodically with a view to examine files and see if work is done promptly and properly ?

(*b*) If this is not done, do Government propose to introduce rules enjoining such an inspection in the interests of efficient administration ?

Mr. P. G. Rogers : (*a*) Postmasters-General are not required to make periodical inspections of the several branches of their offices. They are held responsible for the proper conduct of work in their offices in whatever manner they think suitable.

(*b*) Does not arise.

GRANT OF CASUAL LEAVE TO SIGNALLERS IN COMBINED POST OFFICES.

118. **Mr. V. V. Jogiah** : (*a*) Are the Government aware of the fact that in combined post offices, with only third class telegraph working hours and with more than two hands but with only one signaller, the benefit of casual leave is denied to that signaller as no substitute can, under paragraph 2 of Rule 521 of the Post Office Manual, Vol. II, be arranged in his place ?

(*b*) If so, do Government propose to modify the rule suitably so as to permit of the deputation of substitutes in such vacancies and remove the hardships at present existing under the rule above stated ?

Mr. P. G. Rogers : The rule quoted has been amended so as to allow of arrangements being made for substitutes in such cases.

GRANT OF CASUAL LEAVE TO DEPARTMENTAL BRANCH POSTMASTERS.

119. **Mr. V. V. Jogiah** : (*a*) Are the Government aware of the fact that the benefit of casual leave is denied to departmental branch postmasters when substitutes cannot, under paragraph 3 of Rule 521 of the Post Office Manual, Vol. II, be arranged in their places without extra cost in pay or acting allowance ?

(*b*) If so, do Government propose to amend the rule suitably permitting the employment of substitutes with necessary extra cost in such vacancies ?

Mr. P. G. Rogers : The rule quoted has been amended so as to allow of arrangements being made for substitutes in such cases.

NOMINATION OF WOMEN AS MEMBERS OF PROVINCIAL LEGISLATIVE COUNCILS.

120. **Khan Bahadur Sarfaraz Hussain Khan** : Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of 3rd May, 1928, page 13, under the heading "Women's movement in India—Steady Progress" ? If so, will the Government please state if it is a fact :

(*a*) the Legislative Council of the Central Provinces unanimously passed a resolution this year admitting women and that Mrs. Anasuya-bai Kale, a member of the Indian Women's Association, has been nominated to it ?

(*b*) the Legislative Council of the United Provinces has removed the sex disqualification and that Mrs. Ahmed Shah has been nominated to it ?

(*c*) Bihar remains the only province in India where women are unenfranchised ?

(*d*) there are now seven women legislative councillors in India including those in the Indian States ?

The Honourable Mr. J. Crerar : (*a*), (*b*) and (*c*). My attention was drawn to the paragraph in question by the Honourable Member's question. The Government of India are aware of the Resolutions which have been passed by the Legislative Councils of the United Provinces and the Central Provinces regarding the removal of sex disqualification, but Local Governments are not required under the rules to report to the Governor General in Council the fact of any lady having been elected or nominated to a Legislative Council. So far as I am aware the necessary action for the removal of sex disqualification has not been taken in Bihar and Orissa.

(*d*) The Government of India have no information about women Legislative Councillors in Indian States.

EXTRA PAY FOR SUNDAY AND HOLIDAY WORK FOR POSTAL OFFICIALS.

121. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 324 (*d*) on the 27th February, 1928, regarding extra pay for Sunday and holiday work done by postal officials, will Government please state if they have arrived at a decision on the question ?

(*b*) If so, will they communicate their decision to the House ?

The Honourable Mr. A. C. McWatters : (*a*) No decision has as yet been arrived at.

(*b*) Does not arise.

APPOINTMENT OF THE INDIANS TO THE FOREIGN AND POLITICAL DEPARTMENT.

122. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to the statement laid on the table in reply to starred question No. 326 (*a*) to (*f*) on the 27th February, 1928, regarding number of sanctioned appointments in the Foreign and Political Department, will Government please state :

(*a*) the names and designations of the officers representing the Province of Bihar and Orissa (*vide* column IV of the statement) ?

(*b*) any special reason why an Indian could not be appointed in the Department (*vide* column III of the statement) ?

Sir Denys Bray : (*a*) Mr. J. Almond, I.C.S., and Mr. F. Williamson, I.C.S.

(*b*) Column III shows that 16 Indians were appointed to the Department. The one remaining vacancy was also given to an Indian making a total of 17 Indians selected during the period under review.

LETTER IN THE *Statesman* OF 3RD MAY, 1928, UNDER THE HEADING "BANDEL-BARHARWARA LINE".

123. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the letter published in the issue of the *Statesman* of 3rd May, 1928, page 4, under the heading the "Bandel-Barharwara Line" ?

(*b*) If so, will they please state if the statements made therein are correct ?

(*c*) If correct, will they please state if they will take steps to redress the grievances complained of ?

Mr. A. A. L. Parsons : (*a*) Government have seen the letter referred to.

(*b*) and (*c*). They have no knowledge of the arrangements on this particular branch and they leave it to the Agent, East Indian Railway, to take any steps that might be expedient.

INTRODUCTION OF LEGISLATION TO RESTRICT THE TRAFFIC IN WOMEN AND CHILDREN.

124. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of 3rd May, 1928, page 5, under the heading "Traffic in Women Bill introduced in Parliament" ?

(*b*) If so, will Government please state if any law, similar to the provisions of the Bill referred to, exists in British India ?

(*c*) If not, do they propose to introduce legislation with a view to make illegal the vices and evils to which reference has been made in the provisions of the Bill reported to have been introduced in the House of Lords ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) and (*c*). I would refer the Honourable Member to sections 366, 366A, 366B, 372 and 373 of the Indian Penal Code. In addition to the provisions contained in these sections, there are local enactments on the subject in force in Bombay, Calcutta and Rangoon dealing with the special problems that arise in these cities ; namely, Bombay Act XI of 1923, Bengal Act XIII of 1923 and Burma Act II of 1921. The Government of India consider that, so far as the general problems arising out of traffic in women are concerned, the provisions contained in the Indian Penal Code are sufficiently comprehensive. It is obviously for the Local Governments to consider whether the special conditions existing in any area within their jurisdiction call for any special measures on the lines of the enactments referred to.

SEATS FOR INDIAN MEMBERS IN THE PRIVY COUNCIL.

125. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the news published in the issue of the *Statesman* of 3rd May, 1928, page 9, under the heading "The Privy Council. Two seats for Indian Members" ?

(*b*) If so, will Government please state if the news published is correct ?

The Honourable Mr. J. Crerar : (*a*) Government have seen the article.

(*b*) The facts are correctly stated. But the Honourable Member is no doubt aware that His Majesty's Government have since omitted from the Administration of Justice Bill that part which related to the Judicial Committee which was opposed in order to secure the passage through the House of Commons of the rest of the Bill in view of the state of Parliamentary business. It is however the intention of His Majesty's Government to proceed with the Bill at the earliest opportunity.

ADMISSION OF CANDIDATES FROM DEHRA DUN INTO THE INDIAN POLICE AND INDIAN FOREST SERVICE.

126. **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state if it is a fact that Lord Rawlinson, when addressing the Members of this House, said that successful candidates from Dehra Dun, who failed to secure admission into Sandhurst, would be admitted to the

Indian Police and the Indian Forest Service (*vide* Government reply to the second supplementary question to starred question No. 249 on the 20th February, 1928) ?

Mr. G. M. Young : I am unable to trace any statement by the late Lord Rawlinson, or by any other Government spokesman, to the effect suggested by the Honourable Member. The Honourable Member is possibly thinking of a passage in a speech made by Lord Rawlinson in the Assembly on the 5th March, 1924. He will find it on page 1165 of the Legislative Assembly debates of that year.

EVIDENCE OF GOVERNMENT SERVANTS BEFORE THE STATUTORY COMMISSION.

127. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to the third supplementary question to starred question No. 238 and its reply on the 16th February, 1928, regarding the issue of instructions to Government servants who may be called upon to give evidence before the Statutory Commission, will Government please state if they have made enquiries from the Local Governments ?

(*b*) If they have, will they please state if they propose to communicate the result of their enquiries to the House ?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) Local Governments have not issued any such instructions in regard to the Statutory Commission, but the Government of India have since issued orders to the effect that Government servants desirous of giving evidence before the Indian Statutory Commission should first obtain the permission of the Government under which they are serving.

PAY OF GRADUATES IN THE POSTAL DEPARTMENT.

128. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to unstarred question No. 97 on 15th February, 1928, regarding pay of graduates in the Postal Department, will Government please state if they have arrived at a decision on the question ?

(*b*) If so, will they please communicate the result to the House ?

NAMES OF THE MEMBERS OF THE NEW CAPITAL COMMITTEE.

129. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state the names of the members of the New Capital Committee [*vide* Government reply to starred question No. 178 (*c*) of the 13th February, 1928] ?

The Honourable Mr. A. C. McWatters : The New Capital Committee is at present composed of Sir J. P. Thompson, Vice President, and Messrs. A. G. Clow, D. G. Harris, T. K. Rajagopalan and J. L. Sale, Members, with myself as President.

STANDING ADVISORY COMMITTEES ATTACHED TO DEPARTMENTS OF GOVERNMENT.

130. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 275 (*a*) and (*b*) on the 23rd

*For answer to this question, see answer to question No. 95.

February, 1928, regarding Standing Advisory Committees attached to Departments of Government, will Government please state if the information has been collected ?

(*b*) If so, will they please furnish it to the House ?

The Honourable Mr. J. Crerar: The information was supplied to Mr. B. Das and a copy of the statements showing the number of meetings, etc., held by the Standing Advisory Committees is also being sent to the Honourable Member.

RE-EMPLOYMENT OF MR. IRELAND, A DISMISSED RAILWAY SERVANT ON THE EAST INDIAN RAILWAY.

131. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 287 on 23rd February, 1928, regarding the re-employment of Mr. Ireland, a dismissed railway servant on the East Indian Railway, will Government please state if enquiries have been completed ?

(*b*) If so, will they please communicate the result to the House ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The Divisional Superintendent was not aware that Mr. Ireland had previously been employed in the Stores Department of the Oudh and Rohilkhand Railway as he failed to mention the fact in his declaration form. Mr. Ireland ceased to be in service from the 8th of December, 1927.

THE DELHI TRAMWAYS.

132. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) With reference to Government reply to starred question No. 288 on the 23rd February, 1928, regarding the Delhi Tramways, will Government please state if the information has been collected ?

(*b*) If so, will they please furnish it to the House ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) I hardly think that the matter is of sufficient general interest. But if the Honourable Member desires a copy of the papers, I shall be glad to furnish him with one.

TERMS OF THE LOANS FROM THE GOVERNMENT OF INDIA UNDER SECTION 20 OF THE PAPER CURRENCY ACT, AGAINST INLAND BILLS.

133. **Khan Bahadur Sarfaraz Hussain Khan** : Will the Government be pleased to state on what terms the "Loans from the Government of India under section 20 of the Paper Currency Act, against Inland Bills discounted and purchased *per contra* Rs. 7,50,00,000 as shown in the statement, published in the issue of the *Statesman* of 5th May, 1928, page 7, under the heading "Imperial Bank", were given ?

The Honourable Sir Bhupendra Nath Mitra : The terms of the loans in question are regulated by the following rule, which was sanctioned by the Government of India i 1925 :

"The entire amount ou ng at any time shall bear interest at bank rate, subject to a minimum of 6 for the first 4 crores and of 7 per cent. for the

subsequent 8 crores. The Bank shall be entitled to deduct from the amount of interest payable any amounts proved to the satisfaction of the Controller of the Currency to have been paid by them on account of stamp duty on bills held by the Bank on behalf of the Currency Department."

ABOLITION OF SLAVERY IN THE TRIANGLE AND THE KACHIN HILLS.

†134. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Englishman* of 7th May, 1928, page 8, under the heading "Slaves in the Triangle" ?

(*b*) If so, will they please state if the following statements made therein are correct :

(*i*) "Altogether 1,025 slaves have been released in the present year's operations, and no slaves remained in the Triangle area",

(*ii*) "Complete abolition of slavery in the Kachin Hills" ?

PREFERENTIAL TREATMENT FOR WAR RETURNED CANDIDATES IN THE MATTER OF APPOINTMENTS UNDER GOVERNMENT.

135. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will Government please state if there is a Government Circular to the effect that preferential treatment will be accorded to war returned candidates in the matter of appointments under Government ?

(*b*) If so, will they please lay a copy of it on the table ?

The Honourable Mr. J. Crerar : (*a*) The answer is in the affirmative.

(*b*) I have had a copy placed in the Library of the House.

RAILWAY EXTENSIONS IN ASSAM.

136. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Englishman* of the 7th May, 1928, page 9, under the heading "Railway Extensions" ?

(*b*) If so, will they please state if the first batch of ten of the 30 new lower class coaches which the Eastern Bengal Railway were constructing for the Assam-Bengal Railway has been handed over to them ?

(*c*) Have the Furkating Badulipara Jorhat and Karimganj Longer Valley branches been opened ?

(*d*) How do matters stand and what progress has been made in connection with the acquisition of land for the Feni-Belonia and Chittagong Nizarhat branch lines ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) 25 of the Coaches have already been despatched, the remaining 5, if they have not already been despatched, will be despatched shortly.

†For answer to this question, see answer to question No. 37.

(*c*) The Furkating Badulipara Jorhat branch was opened on the 1st July last ; the probable date of opening the Karimganj Longer Valley branch is the 1st of November next.

(*d*) *Feni-Belonia.*—The usual notices have been issued and immediate action is being taken for the acquisition of all waste and arable land. Proceedings for the acquisition of the remaining land required are well in hand.

Chittagong Nizarhat.—The notificaiton for acquisition of land was published on 16th August, 1928.

HARDSHIPS OF PILGRIMS AT KAMARAN.

137. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will the Government be pleased to state if they have received information regarding the question of hardships of pilgrims at Kamaran [*vide* Government reply to starred question No. 170 (*a*) and (*b*) on the 10th February 1928] ?

(*b*) If so, will they please furnish information to the House ?

Mr. G. S. Bajpai : A note containing the information furnished by the Government of Bombay has been placed in the Library.

ARRANGEMENT FOR LODGING FOR PILGRIMS AT KAMARAN.

138. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will the Government be pleased to state if the accommodation that was under construction has been completed [*vide* Government reply to starred question No. 172 (*c*) on the 10th February, 1928], regarding the arrangements for lodging, etc., for the pilgrims who leave the ship for quarantine purposes at Kamaran ?

(*b*) If so, what is the cost of the construction and how many persons are expected to be accommodated in it ?

Mr. G. S. Bajpai : (*a*) Yes.

(*b*) The cost of construction of the more substantial accommodation was Rs. 3,858. Nine private dressing rooms have been provided of which six are for males and three for females. One stone building in each pilgrim camp has been provided with better accommodation for 6 families. A kiosklike hut has been constructed with 2 cabinets, each containing 72 drawers fitted with locks, for storing the valuables of pilgrims.

CONSTRUCTION OF QUARTERS FOR THE CLERKS OF THE HEAD POST OFFICE AT MOTIHARI.

139. **Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to state whether it is a fact that the Motihari Head Post Office in Bihar and Orissa Circle is situated at a distance of more than a mile from the town ?

(*b*) Is it a fact that the said post office is managed by nine clerks, six of whom have got split duties, and that consequently they have to walk four times from their houses to the post office say about 6 miles a day ?

(*c*) Is it a fact that rented houses near the post office are none, and that even in the town they are not available even at a prohibitive rental ?

(*d*) Is it a fact that the clerks of the said post office petitioned the Postmaster General, Bihar and Orissa Circle, on the 19th July, 1926, and the 13th January, 1927, for construction of quarters ?

(*e*) Is it a fact that the Bihar and Orissa Provincial Postal and R. M. S. Conferences of 1926 and 1927 passed resolutions Nos. 21 and 37 (*a*) respectively for construction of quarters for the clerks of the said office ?

(*f*) Is it a fact that Mr. J. Kumar (Assistant Postmaster General, Bihar and Orissa) investigated the clerks' grievances for quarters in June 1927 ?

(*g*) Is it a fact that the Superintendent of Post Offices, Gandak Division, has recommended six sets of family quarters for the clerks of the Motihari Head Office to the Postmaster General, Bihar and Orissa ?

(*h*) Is it a fact that with orders of the Postmaster General a site selection committee consisting of the Sub-divisional Officer, Sadar (Motihari, Presiding Officer), Civil Surgeon, Champaran, Sub-divisional Officer, P. W. D., and the Superintendent of Post Offices, Gandak Division was formed and that the said committee has selected the site for quarters and approved the site plan ?

(*i*) Is it a fact that the Executive Engineer, Muzaffarpore Division, has prepared the estimate and has forwarded the same to the Postmaster General for sanction ?

(*j*) Is it a fact that the District Magistrate, Champaran, has approved the proceedings of the site selection committee and has forwarded the same to the Executive Engineer, Muzaffarpore Division, for preparing the estimate ?

(*k*) If the answers (*a*) to (*j*) above be in affirmative, will the Government be pleased to state how far the Government has proceeded in removing this hard-felt grievance of the clerks of the said office for quarters ?

(*l*) Do Government propose to sanction split duties allowance for the clerks concerned till the construction of quarters near the post Office ?

The Honourable Mr. A. C. McWatters : (*a*) to (*h*) and (*j*) Yes.

(*i*) The estimate and plan have not reached the Postmaster-General.

(*k*) The construction of quarters will be undertaken as soon as possible after the estimate referred to in (*i*) has been received and approved by the proper authorities and funds have been provided.

(*l*) Government are not prepared to take the action suggested.

CONSTRUCTION OF THE ISHURDI-PABNA-SHADHUGANJ RAILWAY.

140. **Mr. K. C. Neogy** : Will Government be pleased to state :

(*a*) whether the recent investigation into the Ishurdi-Pabna-Shadhuganj railway project by the Agent, Eastern Bengal Railway, has shown that it is capable of yielding an annual return of over 6 per cent. on the capital outlay, which has been estimated at about Rs. 42 lakhs against 53 lakhs of a previous estimate ?

(*b*) whether this project originated in 1904, and its active consideration has been pending since 1916 ?

(*c*) whether this line would provide the only railway communication to an important District headquarters town in Bengal ? and

(*d*) whether it is proposed to include the line in the construction programme for 1929-30 ?

Mr. A. A. L. Parsons : (*a*) The Railway Board have not yet received the report of the Agent on this project which was recently investigated by him, and until they have seen the report they cannot state what the annual return is likely to be.

(*b*) A project for a railway between Pabna and Sara was investigated in 1904 and rejected. A survey for a railway from Ishurdi to Sadhuganj *via* Pabna was made in 1916. Since that date various means of making a rail connection with Pabna have been under consideration.

(*c*) The Honourable Member is correct in supposing that there is at present no railway communication to the town of Pabna.

(*d*) A decision can only be reached when the report of the Agent has been received.

CONSTRUCTION OF THE FARIDPUR-CHARMUGURIA-BARISAL RAILWAY.

141. **Mr. K. C. Neogy** : (*a*) Will Government be pleased to state when the Faridpur-Charmuguria-Barisal project will come up for active consideration ?

(*b*) For how many years has the question of connecting Faridpur with Bhanga been under consideration, apart from the larger project mentioned above ? Does the question of this short extension to Bhanga depend entirely on the said larger project, or is it under separate consideration also ?

Mr. A. A. L. Parsons : (*a*) The Railway Board are awaiting the results of the reconnaissance survey sanctioned in 1926.

(*b*) I believe that a project which included a connection between Faridpur and Bhanga was mooted in 1888. The survey report of which the receipt is now awaited by the Railway Board will indicate separately the prospects of

(*i*) a connection between Faridpur and Barisal,

(*ii*) a connection between Faridpur and Bhanga, and these will be considered in due course.

PROVISION OF A PLATFORM AND WAITING ROOMS AT FARIDPUR, EASTERN BENGAL RAILWAY.

142. **Mr. K. C. Neogy** : (*a*) When was the railway station at Faridpur (Eastern Bengal Railway) first opened ?

(*b*) Are Government aware that Faridpur is the headquarters town of an important District in Bengal ?

(*c*) Are Government aware (or if not, will they make inquiries in the matter ?) that the Eastern Bengal Railway authorities have refused

to provide a platform at the Faridpur railway station all these years, in spite of representations from officials and the non-official public and repeated criticisms in the Press ?

(d) Are Government aware of any railway station or any other District headquarters town which has not been provided with a platform ?

(e) Are Government aware that there are no proper waiting room accommodation nor other amenities at the Faridpur railway station ?

Mr. A. A. L. Parsons: (a) April 1899.

(b) Government are aware that Faridpur is the head-quarters of a District in Bengal.

(c) and (e). There have been representations on the subject and the Agent is considering the complete reconstruction of the station at Faridpur and will no doubt consider to what extent the facilities mentioned in these two parts of the Honourable Member's question should be provided in the reconstructed station.

(d) Government are unable to make any categorical answer on this point without enquiries which they do not think it worth while to undertake.

CASH CERTIFICATES.

143. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 8th May, 1928, page 10, under the heading " National Savings Movement " ?

(b) If so, will they please state if the figures stated in the sub-heading " Cash Certificates " are correct ?

(c) If not, will Government please state the correct figures in the years referred to ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). Yes.

(c) Does not arise.

VISIT OF THE MALARIA COMMISSION OF THE LEAGUE OF NATIONS TO INDIA.

144. **Khan Bahadur Sarfaraz Hussain Khan :** With reference to the extract " It referred also to the hope of the Government of India that the League's Malaria Commission might be able to visit India during the latter part of 1928 ", from the Final Report of the Delegates of India to the Eighth (Ordinary) Session of the Assembly of the League of Nations 1927, page 25, under the heading " Work of the health organisation ", will Government please state if they can give any further information on the matter, namely, whether the League's Malaria Commission will visit India during the latter part of 1928 ?

Mr. G. S. Bajpai : The Council of the League of Nations have accepted the invitation of the Government of India asking the Malaria Commission to visit this country, but the time of the visit has not yet been fixed.

FORMATION OF AN ADVISORY COMMITTEE OF THE EAST INDIAN RAILWAY AT PATNA.

145. **Khan Bahadur Sarfaraz Hussain Khan :** (a) Have Government received letter No. 411, dated the 9th May 1928 from the Secretary, Bihar and Orissa Chamber of Commerce, Patna, addressed to the Secretary, Railway Board ?

(b) Is it a fact that there is an Advisory Committee for the East Indian Railway at Calcutta and another at Cawnpore but none for the Province of Bihar and Orissa in Patna ?

(c) Is it a fact that the East Indian Railway has a mileage of about 540 miles in Bengal and of about 1,053 miles in Bihar ?

(d) Is it a fact that the Railway Board has appointed an Advisory Body for the Bengal Nagpur Railway at Cuttack although the Bengal Nagpur Railway has one at Calcutta ?

(e) Is it a fact that the Bengal and North Western Railway has also an Advisory Committee for the Province of Bihar and Orissa which meets at Muzaffarpur ?

(f) If the answer to the above questions be in the affirmative do Government propose to sanction the formation of an Advisory Committee of the East Indian Railway at Patna ?

Mr. A. A. L. Parsons : (a) Yes.

(b) There is one Committee at Calcutta and one for the United Provinces whose meetings are held alternately at Cawnpore and Lucknow every two months.

(c) This is approximately correct

(d) There is a branch Committee at Cuttack which is appointed by the Bengal Nagpur Railway Administration and not by the Railway Board.

(e) Yes.

(f) The matter is being considered. But I must point out to the Honourable Member that there are considerable practical difficulties in adding to the number of Advisory Committees on any particular railway system owing to the tax which they make on the time of the Agent, and that the Bihar and Orissa Province is represented on the East Indian Railway Calcutta Advisory Committee by two members, one nominated by the Government of Bihar and Orissa and the other by the Bihar and Orissa Legislative Council.

REPRESENTATION OF THE BRITISH EMPIRE AND THE DOMINIONS AND INDIA IN THE LEAGUE OF NATIONS.

146. **Khan Bahadur Sarfaraz Hussain Khan :** (1) Is it not a fact that (a) Australia, (b) British Empire, (c) Canada, (d) India, (e) New Zealand and (f) South Africa form as different States as shown in the List of States in Appendix I, page 73 of the Final Report of the Delegates of India to the Eighth (Ordinary) Session of the Assembly of the League of Nations 1927 ?

(2) Is it not a fact that (a) Australia, (b) Canada, (c) India, (d) New Zealand and (e) South Africa are parts of the British Empire ?

(3) Will Government please give reasons for the representation of the British Empire as well as of (a) Australia, (b) Canada, (c) India, (d) New Zealand and (e) South Africa as separate States ?

Mr. L. Graham : (1) and (2). The statements of fact herein contained are correct so far as they go, but reference should have been made to the Irish Free State.

(3) The expression "British Empire" in this context has been construed as meaning "Great Britain and Northern Ireland and all parts of the British Empire which are not separate Members of the League".

ALLEGED INTERCEPTION OF MONEY SENT TO MRS. BESANT TO PAY THE FEES OF POOR STUDENTS.

147. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published on page 9 of the *Statesman* of 26th May 1928, under the heading "Money for Mrs. Besant—Labour question in Commons"?

(*b*) If so, will Government please state if they are in a position to give information to the House as to whether the Madras Government had held up and reclaimed money sent to Mrs. Besant to be used to pay the fees of poor students?

(*c*) If so, will they please furnish the information to the House?

The Honourable Mr. J. Crerar : (*a*) I have seen the paragraph.

(*b*) and (*c*). The allegation is entirely without foundation.

STATE MANAGEMENT OF THE BURMA RAILWAYS.

148. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published on page 6 of the *Statesman* of the 19th June 1928, under the heading "State Railways in Burma"?

(*b*) If so, will they please state if the statement made therein, *viz.*, that the Government of India have decided to take over the Burma Railways as a State-managed concern from the commencement of next year is correct?

Mr. A. A. L. Parsons : (*a*) and (*b*). Yes.

REPORT OF THE CINEMA ENQUIRY COMMITTEE.

149. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will the Government be pleased to state if they have received the Report of the Cinema Enquiry Committee?

(*b*) If so, when is it expected to be published?

The Honourable Mr. J. Crerar : (*a*) Yes.

(*b*) The report was published on the 7th August.

HUMAN SACRIFICE IN BURMA.

†150. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published on page 7 of the *Englishman* of the 28th May, 1928, under the heading "Human Sacrifice"?

†For answer to this question, see answer to question No. 37

(*b*) Does the custom of human sacrifice still exist in Burma?

(*c*) If so, in what part or parts of it?

(*d*) Will Government please state if they propose to take steps to stamp out this barbarous and inhuman custom referred to?

(*e*) If so, when?

TRAFFIC IN WOMEN AND CHILDREN.

151. **Khan Bahadur Sarfaraz Hussain Khan** : With reference to the extract "only the first part of the report has been published, the second part having been communicated confidentially to the Governments concerned—of which the Government of India is not one—for such observations as they wish to make", published in the Final Report of the Delegates of India to the Eighth (Ordinary) Session of the Assembly of the League of Nations, page 59, under the heading "Traffic in Women and Children", will Government please give any special reason why the Government of India has been excluded as appears from the last portion of the extract?

The Honourable Mr. J. Crerar : The report of the Body of Experts on Traffic in Women and Children was in two parts. Part one gave an account of the facts disclosed by the enquiry and a statement of the conclusions based on them. Part two contained a more detailed statement of the evidence derived from various sources arranged according to countries. When the report was presented to the Council of the League, it was decided to publish Part one immediately and a copy was communicated to the Government of India. In regard to Part two, it was decided in the first instance to send it confidentially to the Governments of the various countries with which it dealt for their observations. India was not one of the countries dealt with in this Part, and a copy was not therefore communicated to the Government of India at the time. A copy of Part two, together with the observations of the Governments referred to above, has since been received.

LANGUAGE IN WHICH THE PROCEEDINGS OF MEETINGS OF THE LEAGUE OF NATIONS ARE RECORDED.

152. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state :

(*a*) In what language the proceedings of meetings of the League of Nations are recorded?

(*b*) If it is a fact that the delegates of the different States speak in the languages of their respective nationalities?

(*c*) If the answer to (*b*) be in the affirmative or in other words the delegates speak in other languages than English is there any procedure by which Indian delegates can follow the debates of the Assembly?

Mr. L. Graham : (*a*) French and English.

(*b*) Delegates are permitted to speak in the languages of their respective nationalities.

(*c*) All speeches delivered in English are interpreted in French and *vice versa*. All speeches delivered neither in English nor in French are interpreted in both English and French.

AGE OF HINDU MARRIED WOMEN.

153 **Khan Bahadur Sarfaraz Hussain Khan** : Will Government be pleased to state if it is a fact that out of every 1,000 Hindu married women, (a) 14 are under 5 years of age, (b) 111 under 10 years of age, (c) 437 under 15 years of age, *vide* page 244, lines 8 to 10 of the Journal of the Parliaments of the Empire Vol. IX, No. 1, January 1928 ?

The Honourable Mr. J. Crerar : The statement in the Journal purports to reproduce the gist of a speech made by Rai Sahib Harbilas Sarda in this House on the 15th September, 1927, and the figures quoted in the statement were given in that speech. If the Honourable Member wishes to check their accuracy his attention is invited to Table VII in Part II of Volume I of the Census of India, 1921, which he will find in the Library.

TRANSFER OF THE OFFICE OF THE COMMISSIONER OF INCOME-TAX, BIHAR AND ORISSA, FROM RANCHI TO PATNA.

154. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Will the Government be pleased to state if the Central Board of Revenue has received a communication from the Bihar and Orissa Chamber of Commerce regarding the transfer of the office of the Commissioner of Income-tax, Bihar and Orissa, from Ranchi to Patna *vide* paragraph published in the issue of the *Statesman* of 30th June, 1928, under the heading "Claims of Patna—Transfer of Income-tax Office urged" ?

(*b*) If so, will they please state if any order has been passed thereon ?

(*c*) If passed, will they please lay a copy of the order on the table ?

(*d*) If not, by what time do they expect to pass the order ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) Yes.

(*b*), (*c*) and (*d*). Government have nothing to add to the answer given by Sir Basil Blackett to Mr. Gaya Prasad Singh's starred question No. 708 in the Legislative Assembly on the 31st August, 1927.

AIR SERVICE TO INDIA.

155. **Khan Bahadur Sarfaraz Hussain Khan** : Will Government please state if it is correct that the air service to India will begin about April next *vide* statement published in the issue of the *Statesman* of 13th July, 1928, page 9, under the heading "Air Service to India") ?

The Honourable Mr. A. C. McWatters : That is the present expectation.

CONSTITUTION OF PROVINCIAL PUBLIC SERVICES COMMISSION.

156. **Mr. A. Rangaswami Iyengar** : (*a*) Will the Government be pleased to state what are the rule-making powers delegated to the Central and Provincial Governments respectively by the Secretary of State in Council under section 96 (B) of the Government of India Act ?

(*b*) Whether the Secretary of State has authorised the Central or any of the Provincial legislatures to make laws regulating the Public Services to any extent or in any respect or manner ?

(*c*) If not, whether there is any proposal under consideration to do so ?

(*d*) Have the Government of India received any proposal of legislation from any Province or Provinces for the constitution of Provincial Public Services Commission ?

(*e*) Has such legislation been authorised by the Secretary of State in Council under section 96 (B) of the Government of India Act ?

The Honourable Mr. J. Crerar : (*a*) Besides the rule-making powers delegated to the Central and Provincial Governments under certain rules of the Fundamental Rules promulgated in 1922, the Local Governments of Governors' Provinces have been authorised under the Civil Services (Governors' Provinces) Delegation Rules of 1926 to make, subject to certain reservations, rules regulating the method of recruitment, the conditions of service, pay, allowances and pensions of provincial and subordinate services and of officers holding special posts. Draft rules delegating similar powers to the Governor General in Council in respect of officers employed under the Central Government are under the consideration of the Secretary of State in Council.

(*b*) and (*c*). The Secretary of State in Council has not given any general authorisation to the Central or Provincial Legislatures, under section 96B (2) of the Government of India Act, to make laws regulating the public services ; but he considers particular proposals for legislation on their merits.

(*d*) Yes, from Madras.

(*e*) The question of making a general rule authorising Local Governments to legislate on this matter is at present under consideration.

LAND REVENUE LEGISLATION.

157. **Mr. A. Rangaswami Iyengar** : (*a*) With reference to the reply of Government to my questions Nos. 627 and 630, dated 30th August 1927, will the Government be pleased to make any statement whether if any and if so what progress has been made by Provincial Governments in carrying out the recommendations of the Joint Committee of Parliament in 1919 regarding land revenue legislation ?

(*b*) Will the Government be pleased to state what administrative action it took or what instructions it conveyed to Provincial Governments in respect of draft land revenue legislation proposed by them and submitted for statutory or administrative sanction ?

(*c*) Is it a fact that in more than one Province projected legislation in this behalf had been held up or delayed by reason of the difficulties experienced in the Legislature in carrying out the directions of the Government of India ?

(*d*) Will the Government be pleased to state under what provision of law or rules it exercises powers of controlling provincial legislation on a provincial subject like land revenue ?

(*e*) Will the Government be pleased to state whether in this matter it is subject to any general or specific instructions from the Secretary of State in Council ?

(*f*) Is the Government of India going to make a report to the Statutory Commission communicating its failure to carry out the recommendations made by the Joint Parliamentary Committee during the last 5 years and the cause thereof ?

Mr. G. S. Bajpai : (*a*) The Punjab Government introduced in 1926 a Bill to amend the Punjab Land Revenue Act. This Bill is reported to have been passed by the Legislative Council in May last. In the Central Provinces, the Select Committee of the Legislative Council appointed to consider the Settlement Bill, which was introduced in 1927, has submitted its report. Land Revenue Bills have also been prepared in the United Provinces and Bombay.

(*b*) The Honourable Member's attention is invited to the answers given to parts (*b*) and (*c*) of his question No. 627 on 30th August, 1927.

(*c*) No.

(*d*) The action of Local Governments with reference to such legislation is subject to the superintendence, direction and control of the Government of India under section 45 of the Government of India Act.

(*e*) They are subject to the general instruction that the concurrence of the Secretary of State is to be obtained before executive orders are issued forbidding the introduction of a Bill which a Local Government proposes to introduce in the Provincial Legislative Council.

(*f*) As the Honourable Member's assumption that the alleged failure to carry out the recommendation of the Joint Parliamentary Committee is due to the Government of India is not correct, the question does not arise.

DEPOSITS HELD BY THE GOVERNMENT OF INDIA UNDER THE CIVIL ACCOUNT CODE WITH THE ACCOUNTANTS GENERAL IN THE VARIOUS PROVINCES.

158. **Mr. A. Rangaswami Iyengar** : (*a*) Will the Government of India be pleased to call for and place on the table a statement of the various deposits held by them under the Civil Account Code with the Accountants General in the various Provinces on the 1st of January, 1928, and the periods during which they have been so held ?

(*b*) Will the Government be pleased to call for and lay on the table a statement of deposits lapsed to Provincial Governments in each year commencing from 1923 ?

(*c*) Will the Government be pleased to state whether they propose to amend the Civil Account Code so as to make it obligatory on the Treasury Officers to issue notice to the depositors by registered post before ordering them to lapse to Government ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The compilation of the figures required by the Honourable Member would involve an expenditure of time and labour which could not be justified by the results obtainable, while to prepare a statement of the periods during which the deposits have been held is practically impossible. The figures of outstandings on the 31st March, 1926, which are the latest available, can however be shown to the Honourable Member by arrangement with the Financial Secretary if the Honourable Member will write to him on the subject.

(*b*) The total amounts of deposits treated as lapsed to Government are shown in the Finance and Revenue Accounts—*vide*, for example, Accounts 74 and 74A of these accounts for 1926-27.

(*c*) The Honourable Member is perhaps under the impression that, once a deposit is treated as lapsed, it can never be claimed, by the party concerned. I would invite his attention to Article 207 of the Civil Account Code, Volume I, from which it will be seen that amounts of lapsed deposits can always be refunded with the sanction of the Accountant-General. In the circumstances, Government do not propose to make any amendments of the nature suggested.

TOTAL AMOUNT OF DEPOSITS HELD BY THE GOVERNMENT OF INDIA TO THE CREDIT OF PROVINCIAL GOVERNMENTS.

159. **Mr. A. Rangaswami Iyengar** : (*a*) Will the Government be pleased to state the total amount of deposits held by the Government of India to the credit of Provincial Governments under various heads from 1921 ?

(*b*) Will the Government be pleased to state whether any interest on the said deposits held by them has been credited to the Local Governments concerned ?

(*c*) If not, whether any proposals for the payment of interest to the Local Governments on the deposits held by them have been made and considered ?

(*d*) Whether they have arrived at any decision in the matter ?

The Honourable Sir Bhupendra Nath Mitra : It is impossible within a reasonable compass to give the detailed information which my Honourable friend desires. But it will perhaps sufficiently meet his point if I state briefly the general position which is as follows. Under present constitutional arrangements the Central Government act as the banker of all the Provincial Governments and are responsible to furnish them with cash for provincial transactions when and where required. In return the Central Government have the use, free of interest, of all deposits of the kind which I think the Honourable Member has in mind. The Central Government, on the other hand, pay interest to Provincial Governments on the balances accumulated in the Famine Insurance Fund under the provisions of Schedule IV to the Devolution Rules. They also pay to Provincial Governments interest on such portion of the credit balances of the latter as may be placed with the Central Government on fixed deposit in accordance with the Rules contained in Article 298B of the Account Code. The proposition that interest should be paid on other categories of deposits is not at present a live issue. The question is however one which may probably arise in connection with any general revision of the Meston Settlement.

THE CAUVERY-METTUR PROJECT.

160. **Mr. A. Rangaswami Iyengar** : Will the Government be pleased to state :

(*a*) whether they have received from the Government of Madras revised estimates for the Cauvery-Mettur project for sanction ?

(*b*) whether they are aware that a committee appointed by the Madras Government examined the whole matter and submitted a report to the Government ?

(*c*) whether that Committee has recommended the cutting down of the expenditure under various heads and the substitution of surki mortar concrete for cement concrete and various other economies and improvements ?

(*d*) whether the experts of the Government of India have given no definite opinion as to the preferability of cement concrete to surki mortar concrete ?

(*e*) whether in the circumstances the Government of India will re-examine the question before submitting the revised estimates for the approval of the Secretary of State ?

(*f*) whether they will examine also the other suggestions made by the Committee on the question of reducing expenditure under various other heads ?

The Honourable Mr. A. C. McWatters : (*a*), (*b*) and (*c*). Yes.

(*d*) The question was examined on behalf of the Government of India by Chief Engineers of four different provinces. The balance of opinion was in favour of the use of cement concrete.

(*e*) and (*f*). The Government of India will consider what questions require re-examination when they receive the proceedings of the Government of Madras on the report.

PROVISION OF AN OVERBRIDGE AT THE CROSSING TO THE EAST OF MOGHALPURA ON THE NORTH WESTERN RAILWAY.

161. **Lala Lajpat Rai** : (*a*) Are Government aware that the railway crossing to the east of Moghalpura station on the North Western Railway crosses a very frequented road which leads from Mianmir to Shalamar-Bagh and Amritsar ?

(*b*) Are Government aware that people wishing to cross that crossing have to wait there as long as half an hour before the gates are opened ?

(*c*) Are Government prepared to consider the advisability of providing an overbridge at that crossing ?

Mr. A. A. L. Parsons : Government have no detailed information, but they understand that the provision of an overbridge is under consideration. They are sending a copy of the Honourable Member's question to the Agent of the North-Western Railway to draw his attention to the subject.

DELIVERY OF POSTAL ARTICLES IN THE TOWN OF PATNA.

162. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published on page 7 of the *Searchlight* of the 18th July, 1928, under the heading "A Postal Grievance" ?

(*b*) Is it a fact that prior to the centralization of the delivery system in the Patna Town the postal articles used to be delivered from all the Post Offices in the town in the same afternoon ?

(*c*) Is it a fact that this new system of delivery was introduced in the town of Patna in spite of great opposition from the general public ?

(*d*) Is it a fact that owing to the introduction of this new system the Postal Department has to pay an extra allowance of Rs. 200 a month to the motor contractor and that some additional hands have been also sanctioned and even then the grievances of the public remain unredressed ?

(*e*) If the answer to (*a*), (*b*), (*c*) and (*d*) be in the affirmative, will the Government be pleased to state if they are prepared to revert to the old arrangements ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) Yes, but only from the delivery offices.

(*c*) No.

(*d*) No. The only additional expense was the increase of Rs. 200 in the mail contractors' subsidy.

(*e*) The arrangements have since been further improved in certain sectors. It is not proposed to revert to the old arrangements.

MAKING OF APPOINTMENTS IN THE GOVERNMENT OF INDIA OFFICES ON A COMMUNAL BASIS.

163. **Mr. Amar Nath Dutt** : Is it a fact that in the offices of the Government of India appointments are being made on a communal basis and appointments of members of certain communities have been stopped in some offices ? If so, will the Government state the reasons for such a policy ?

The Honourable Mr. J. Crerar : I will send the Honourable Member a copy of the orders which provide for the redress of communal inequalities which may arise in the ordinary process of recruitment. These orders do not contemplate that the appointment of members of certain communities should be stopped, and I am not aware of any foundation for such a suggestion.

COMMUNAL PREFERENCE IN APPOINTMENTS TO THE PUBLIC SERVICE.

164. **Mr. Amar Nath Dutt** : Are the Government aware that communal preference in appointments is retarding the growth of Indian nationalism by accentuating bitterness among members of the different communities ? If so, what safeguards do the Government propose to provide against the evil ? Is communal preference dependent upon the votes of the Members of the community in the Legislatures ?

The Honourable Mr. J. Crerar : The answer to the first part of the question is in the negative. The second part does not arise. The suggestion in the third part that the Government policy in regard to recruitment to the services bears any relation to the way in which members of particular communities cast their votes is entirely without foundation. On the contrary the policy rests on the plain consideration that it is not in the public interest that any particular community should obtain an undue preponderance in the Government services.

EMPLOYMENT OF BENGALEES IN THE GOVERNMENT OF INDIA SECRETARIAT.

165. **Mr. Amar Nath Dutt** : Is it a fact that Bengalees are not given the same facilities as other communities for service in the Government of India Secretariat ? Are the Government aware that there is a widespread belief that a Bengalee graduate, however brilliant he may be, will not get an appointment, so long as others are available, however inferior their qualifications may be ?

The Honourable Mr. J. Crerar : The answer to both parts of the question is in the negative.

FAILURE OF BENGALEE GRADUATES IN THE SECRETARIAT SERVICE EXAMINATIONS.

166. **Mr. Amar Nath Dutt** : Will the Government be pleased to enquire into the causes of the failures if any of the Bengalee graduates in the Secretariat service examinations ? Are the Government aware that there is a widespread belief that they do not get equally fair treatment with others ? If so, is there any truth in such a belief ?

The Honourable Mr. J. Crerar : Bengalees compete on equal terms with candidates from other Provinces, and if it is a fact that they fail to secure appointments it can only be concluded that they are less well qualified. No special enquiry is called for. As regards the second part of his question I must refer the Honourable Member to the answer that I have just given on the same subject. If such a belief exists, it is unfounded.

DISCHARGE OF A. K. MITRA, RELIEVING CLERK, BURDWAN, BY THE EAST INDIAN RAILWAY.

167. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state the reasons for the discharge of A. K. Mitra, relieving clerk, Burdwan, East Indian Railway, as intimated by the Divisional Superintendent, Howrah, in his office No. E. G. 102 28, dated 10th April 1928 ? Are such cases entirely in the disposal of the officer and has the discharged person no remedy from the higher authorities ?

(*b*) Is it a fact that A. K. Mitra was appointed in consideration of the services of his father, the late P. C. Mitra, who was killed in the war and whose sacrifice received recognition from His Majesty the King ? Is it also a fact that his father and grandfather served the East Indian Railway for more than half a century ? Was such sacrifice and service considered before ordering his discharge without any reason ? Will the Government be pleased to state their general policy in the case of such discharge ?

(*c*) Is it a fact that A. K. Mitra was discharged without reason ? Will the Government be pleased to state whether they propose to re-instate A. K. Mitra under the circumstances ?

Mr. A. A. L. Parsons : Government have no information with regard to the individual case mentioned by the Honourable Member and since its disposal is entirely within the competence of the authorities of the East Indian Railway they do not propose to take any action. In accordance with the ordinary rule a non-pensionable railway employee in the event of being discharged from the service has the right of appeal to the Agent if the order of discharge is issued by the Head of his department and to the Head of the appellant's department in all other cases.

ACCIDENT BETWEEN HAIYA GHAT AND KISHANPUR RAILWAY STATIONS ON THE BENGAL AND NORTH WESTERN RAILWAY.

168. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that a serious railway accident took place between Haiya Ghat and Kishanpur railway stations (Bengal and North Western Railway), on or about the 22nd January 1928 ?

(*b*) What was the cause of the accident, and the number of casualties ?

(*c*) Is it a fact that in view of the serious allegations made regarding the number of casualties, and the treatment of the injured in the hospital, the District Magistrate of Durbhanga was instructed to hold a public enquiry ? Will Government be pleased to procure and lay on the table a copy of the report of the District Magistrate, together with the communication received from the Government of Bihar and Orissa, on the subject ?

(*d*) Was any one prosecuted, or any departmental action taken against any one in connection with this accident ? And, if so, with what result ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The cause of the accident in the opinion of the Senior Government Inspector was the derailment of an empty road-van attached next to the engine. The casualties were 8 killed and 15 injured.

(*c*) Yes, an enquiry was held by the District Magistrate and a copy of his report is laid on the table. Government regret that they cannot agree to publish the correspondence between the Local Government and the Government of India.

(*d*) The Station Master, Kishanpur, and the Assistant Medical Officer, Samastipur, have been dealt with departmentally by the Agent, Bengal and North-Western Railway.

FROM M. J. DIXON, ESQ., I.C.S., DISTRICT MAGISTRATE, DARBHANGA, TO THE COMMISSIONER OF THE TIRHUT DIVISION, MUZAFFARPUR, LETTER NO. 47, DATED LAHERIASARAI, THE 9TH FEBRUARY 1928.

SUBJECT.—*Final Report on the railway accident between Kishanpur and Haiya Ghat railway stations.*

In continuation of my previous report No. 33-C., dated the 3rd February 1928, I have the honour to state that I held enquiry at Kishanpur railway station on the 6th February, and at Samastipur railway station and the Civil Hospital, Samastipur, on the 7th February.

The accident took place beyond the southern end of bridge No. 11 A at mile 8|8 which is about 2 miles north of Kishanpur railway station. The line in this part is on a long straight level piece, running over three miles over a low bank which continues beyond the bridge. The bridge itself consists of 20 spans of 20 ft. girders, and is practically a viaduct over a water course there being no parapet and no foot way. There is a large depression at this place in which water remains throughout the year. At about 8-30 P.M. on the night of 22nd January, the 30 Down mixed train from Darbhanga was passing over this bridge. An empty road van attached next to the engine was derailed on the bridge, and striking the parapet wall of the abutment was

thrown against the superstructure of a third class bogie carriage following immediately behind, and completely wrecked this coach. The whole superstructure was torn off the under carriage and completely wrecked and thrown down the eastern bank about 100 feet beyond the end of the bridge. The under carriage was derailed about 50 feet further on, and the road van was derailed on the western side. All the passengers of this bogie carriage were hurled out with wreckage and many were killed and injured. The coupling between the road van and the engine was broken and the engine ran on ahead and was pulled up some eighty feet beyond the wreck. The remainder of the train remained on the track and was practically undamaged, there being no casualty to any other passengers except those on the smashed bogie coach.

The composition of the train was as follows :

Engine " F " class 0-6-0 type.
One four-wheeled road-van.
Four bogie 3rd class carriages.
One six-wheeled inter and 3rd class carriage.
One six-wheeled inter class carriage.
One six-wheeled 2nd class carriage.
One six-wheeled 1st class carriage.
One six-wheeled brake van.

The train was non-vacuum.

At first it was generally believed that the cause of the accident was due to the engine parting with the rest of the train and instead of running ahead was stopped with a view to attach itself to the rake which was still moving with momentum, and this caused the collision resulting in the derailment of the road van and the passenger carriage. This was the account given in the first accident report, submitted by the Station Master of Kishanpur on 24th January, and which was accepted by the police in the enquiry held by the Deputy Superintendent of Police, under Rule 20 (c) of the Revised rules made under section 84 of the Indian Railways Act (Act IX of 1890). An exaggerated version of this cause of the accident was given by a gateman at the enquiry held on the 27th January 1928. His version which is a popular one current was that the driver having lost his train reversed his engine and backed it to the oncoming train. This is the version given by two witnesses who were in the smashed coach, one Muhammad Mustafa, a compounder, and one Abdul Moid, a teacher in a Middle Vernacular School, who were examined before me on the 6th February 1928 at Kishanpur.

Mr. R. R. Byron, Senior Government Inspector of Railways, held a technical enquiry on the 27th January at Kishanpur. He found that the van which was in front next to the engine had become derailed about 50 feet from the southern end of the bridge as was evident from the damage caused from the derailed wheels to the sleepers, the marks of the derailed wheels on the sleepers ran for some distance parallel to the rail with a slight inclination to the right, and the van must have been on the point of falling over when it struck the abutment, one wheel having travelled beyond the end of the sleepers. This apparently caused the derailed van to mount upon the superstructure of the following bogie coach which was also derailed. Mr. Byron does not in his report consider that the accident was caused by the broken tender drawbar, on the contrary he considers that the leading end of the road van was still being held straight by the tender coupling although he found that the drawbar of the tender was flawed for about 40 per cent. of the cross sectional area at the point of fracture. He has held that the wheels when running over the sleepers threw a sudden additional strain on the weakened drawbar of the tender which broke under the strain and caused the accident, had the van not been held in front by the tender coupling at the moment of derailment the tendency of the whole train pushing it forward, would have been for the van to incline to the right, the side on which was derailed, and it would have gone over the side of the bridge before reaching the abutment which was 50 feet from the point of derailment.

It may be noted that this report does not deal with the cause as to how the road van completely sheared off the superstructure of the following coach which was thrown down the bank on the opposite side, approximately the same distance from the bridge ; the under structure being derailed about 50 feet further south.

At the enquiry the Senior Government Inspector of Railways examined the Guard, the Assistant Guard, the driver and the fireman who were on the train, and also the gate keeper of mile 8|3. Also he has taken the statement of the Permanent Way Inspector, Mr. G. C. Disney of Darbhanga, who arrived from Darbhanga at the scene

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of occurrence at 3-45 A.M., also the Assistant Medical Officer, Mr. Twidle, who came by the break down train at Kishanpur at about 11-30, and there is the report of the Assistant Engineer, Samastipur, who arrived shortly after 1 A.M. and copies of the inquest report of the Sub-Inspector, Government Railway Police, who arrived at 2 A.M. and the personal diaries of the Senior and the Junior Sub-Inspector of Warisnagar police.

The Deputy Agent of the B. and N. W. Railway has accepted the finding of the Senior Government Inspector of Railways regarding the cause of the accident.

The Government Inspector has held that the cause of the derailment was due to the fact that the light road van was empty, its tare weight being only 4 tons 14 cwts., and it was sandwiched in between the engine and heavy bogie stock, the tare weight of each of the bogie 3rd class being 18 tons 10 cwts., with the result that there was a constant tendency for this light van to be lifted up whenever the following coaches bunched up upon it. In the case of a non-vacuum braked train any slacking of the engine speed would immediately result in the bunching together of the coaching stock. The Government Inspector is of opinion that the speed was constantly varying within a few miles per hour sufficient to cause the causing vehicles to bunch up together with enough force to raise the road van so that it mounted the rails and was derailed. The wheels then running on the sleepers threw a sudden additional strain on the already weakened draw bar of the tender which broke under the strain and caused the accident.

He has recommended that ordinarily empty goods wagons should not be attached to these trains, but that if for traffic reasons it is necessary to move empty wagons by these trains such wagons must be placed in the rear of the passenger coaches. That road vans which from the nature of the work they perform are seldom fully loaded and are usually attached to a train throughout its journey should be attached in the rear of the train. He has also recommended that as a rule mixed train should consist of passenger stock and fully loaded wagons which may be marshalled in front of the passenger coaches to facilitate shunting by the train engine at way-side stations.

With respect to the actual occurrence, I again examined the Guard, the Assistant Guard, the Driver, the Fireman and the Jack, and nine passengers who were in the damaged coach including Babu Jamuna Karji, a District Board member, and one inter class passenger Babu Ram Senahi Rai, a teacher of the local Saraswati School. The three occupants of the engine all stated that the engine had crossed the bridge half way when they felt a sudden jerk backwards, and immediately afterwards, they heard a crash and the engine shot ahead. The driver then shut off the steam and brought the engine to stop. The Guard and the Assistant Guard who were both in the Guard's van in the rear of the train felt what the Guard describes as ' bump ' and the Assistant Guard as a ' Jerk ' and the train came to a stand still. The passengers in the derailed coach could not give any coherent account of the actual occurrence except that they felt the carriage going down the bank rapidly.

The Driver got down from the engine and proceeded towards the wreckage with the aid of a lantern. The Guard and the Assistant Guard also arrived at the scene of the accident in 15 or 20 minutes. The Guard and the Driver then left the train in charge of the Assistant Guard and took the engine to Kishanpur railway station, arriving there at about 9-15 P.M. and the station master sent information by wire. In the accident message which was not despatched before 9-50, there is a no mention of any person being killed on the spot. The report merely stated " many injured ". The station master sent back the engine with the Guard. The Guard and the Assistant Guard then made arrangements for the safety of the standing train by placing lights at the end and placing detonators on the track. The up train from Samastipur arrived at Kishanpur at 9-42 P.M. By this time there was a general rumour of the accident, some of the injured persons had arrived at Kishanpur by foot, and through the insistence of the Senior Sub-Inspector of Police of Warisnagar who was present at the station, and a Mr. Fitz Gerald, an employee of the Burma Oil Company who was a passenger of the up train, a relief party went out with the engine and a third class coach of 41 up, to the scene of the accident. There was some delay in getting necessary permission from Samastipur and also recalling the light engine to Kishanpur. This relief party which consisted of the Senior Sub-Inspector of Police, Warisnagar, Mr. Fitz Gerald, Babu Baijnath Pande, Sub-Registrar of Kishanpur, his clerk, Brijbans Sahay, a District Board Supervisor, Babu Chet Narain Lal, and the station master of Kishanpur, left Kishanpur at about 10-30 and arrived at the scene of accident about 11 P.M. Two boys Mathur Chand Ghose and Sunil Chandra Sen who had been in the wrecked bogie and had already arrived at Kishanpur returned with this party. During this time the injured had been helped out of the wreckage by the Assistant

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Guard and other passengers, prominent among whom was a District Board member Babu Jamuna Karji. A fire had been lit with some straw and nothing further was done till help arrived. The relief party remained there for nearly two hours, and were joined half an hour after their arrival by the Junior Sub-Inspector and the Writer Head Constable of Warisnagar thana. Fifteen injured men were taken to the relief train. Before leaving, some of the party headed by Babu Jamuna Karji counted the dead bodies. According to Babu Jamuna Karji the number was about thirty in all, according to Mr. Fitz Gerald the number was not more than twelve and not less than eight, and according to the Sub-Registrar of Kishanpur Babu Baijnath Pande the number was about twenty, there being fourteen separate bodies. When the party left the place, the Head Constable of Warisnagar left incharge to watch these dead bodies and the properties of the passengers.

Meanwhile a break down train incharge of the District Traffic Superintendent, B. and N. W. Railway, Mr. Brown, arrived at Kishanpur railway station with necessary first aid, bandages, blankets, stretchers, etc., in the charge of the railway doctor, Mr. Twidale, with a Sub-Assistant Surgeon and a dresser. Mr. Brown did not think it necessary to take the train up as there was a relief train ahead and so he walked up to the place accompanied by the doctor and met the relief train returning about a mile and a half further north. They stopped the train and came back with it travelling on the engine. The Railway doctor did not enter the bogie carriage and examine the injured. Apparently he and Mr. Brown were under the impression that first aid had already been rendered by a doctor on the spot and therefore considered it best to get back to Kishanpur as quickly as possible. The relief train arrived back at Kishanpur at 0-55 A.M., where it was met by the Sub-Assistant Surgeon of Warisnagar. Warisnagar is at a distance of only two miles from Kishanpur railway station. This dispensary doctor stated in evidence that he was the first to treat these patients. The railway doctors also attended these patients at Kishanpur. The bogie with the injured was attached to the waiting 41 up train which returned to Samastipur as 30 down leaving Kishanpur at 1-55 A.M. The three doctors also returned to Samastipur, the dispensary doctor and the Sub-Assistant Surgeon of the railway remained in the bogie with the patients. No information was sent to Samastipur by the railway authorities or by the railway police, although Mr. Brown stated in his evidence that he saw a wire at Kishanpur by the side of the telegraph instrument which was to have been sent by the Sub-Inspector, Government Railway Police, to the address of his Writer Head Constable and therefore he did not think that it was necessary to send any separate information. This wire was not sent. When the train reached Samastipur there was no arrangement for evacuating the injured. The assistant station master on being requested supplied a stretcher and some coolies, and two patients were taken into the hospital, one of whom was in a very precarious condition and died that afternoon. Mr. Fitz Gerald's camp cot had to be used as a stretcher. There were four cases which were considered by the doctors present to be serious.

The assistant station master offered to send the rest of the injured to the Samastipur dispensary hospital by hiring taxis which were at the station. This was refused by Babu Jamuna Karji after consulting the Warisnagar dispensary doctor. The bogie with the injured passengers was then moved to the siding from where the injured were carried in stretcher to the Samastipur dispensary hospital by the coolies supplied by railway. The railway doctors did not accompany the carriage to the siding. One Mewa Lal, a District Board Sub-Overseer who lives close to the siding, was called up by Babu Jamuna Karji and was placed in charge of the coolies who took these injured persons on stretchers to the hospital. He stated in evidence that he arrived at 3-30, again 4 A.M. and again after 5 A.M. at the Samastipur dispensary. That when he came first at 3-30 A.M. he awoke the dresser and on his first and second arrival he told the dresser to inform the doctor, but there was no sign of the doctor. The doctor Rai Bahadur Bakim Chandra Ghose stated in evidence that he was not informed till 5-30 A.M. The first injured case must have reached the hospital by 3-30 A.M.

At about 6 A.M. the doctor came to the hospital and all the injured were given stimulant mixture. He also dressed four of the injured whom he considered to be suffering from slight injuries. Two of the patients whom he considered to be seriously injured, and who had been left on the verandah of the male ward were then given a second stimulant mixture and the compounder was told to prepare hot water for dressing these patients. The doctor then left the hospital, changed his clothes, went to the Sub-Jail and returned at about 7 A.M. On his return he found Babu Jamuna Karji, the Chairman of the Local Board and Municipality, and a pleader in the male ward. Babu Jamuna Karji strongly remonstrated with the doctor over the delay in dressing

the seriously injured patients. The doctor ordered him out of the hospital and proceeded to dress these patients. These patients had already received first aid dressing and apparently the doctor did not consider that they were in very urgent need of being redressed and therefore he thought it better to have them dressed with warm water instead of cold lotion. One of these cases was subsequently found by the Civil Surgeon to have been very septic and in a very dirty state, when he visited the hospital on the 29th January, 1928. One other patient whose case was not considered serious by any one of these doctors was considered by the Civil Surgeon to be suffering from a damaged thigh bone. This was Dasain Thatheri who has been since discharged from Samastipur hospital and was examined as a witness in this enquiry. I consider however that in this hospital there was some delay in the treatment of these cases and that they were not considered at first very serious and this is borne out by the first report submitted by Dr. Ghose, the Deputy Superintendent of the Banwarilal Hospital, who made an enquiry on the evening of the same day, and reported that only one injured man had slight lacerated thigh muscle wound and the others had bruises only and none seriously wounded.

I examined one Sarju Singh, Rajput by caste, a patient in the Sadr hospital, Laheriasarai, suffering from lacerated thigh wound. He said he was in the bogie coach and was flung out among the wreck. He twice lost consciousness but remembers to have been given some stimulant mixture in the relief train. He says he arrived at Samastipur dispensary at 4 A.M. and was lying on the verandah, and received no attention till day break.

It is a fact however that the cases admitted were not serious if properly treated at first. The serious cases consisted of two patients with lacerated thigh muscles and one case diagnosed later by the Civil Surgeon as suffering from partial hip fracture.

The responsibility for this delay at Samastipur dispensary is however a part of the large responsibility which the railway staff has incurred by its failure to have made proper arrangements for the evacuation and treatment of the injured. The care and supervision of the injured did not receive the attention required on the part of the railway administration, and the responsibility for this should not have been left with one of the passengers Babu Jamuna Karji who himself must have been hurt, having been in the wrecked coach.

The station master at Kishanpur appears to have been very incompetent. Had it not been for the presence of the Senior Sub-Inspector of Police, Warisnagar, and a Mr. Fitz Gerald, an employee of the Burma Oil Company, who was a passenger of the up train, at the station, it is very doubtful if any relief train would have been sent out. The break down train arrived after considerable delay. Kishanpur is only at a distance of 8 miles from Samastipur. No medical officer had visited the scene of the accident, and the blankets which were in the break down train were apparently forgotten and not distributed among the injured. No information was sent in to Samastipur and no arrangements were made for receiving the injured.

The break down train arrived at the scene of the accident at about 2 A.M. A guard of police and chaukidars was posted on the wreckage during the night time. The following morning the dead bodies were collected and an inquest was held. A translation of the inquest report is given with the evidence of the Government Railway Police Sub-Inspector. Seven bodies were recovered of which two were subsequently identified and handed over to their relations. The five bodies unidentified were buried at the spot. The number of dead bodies actually found by the police on the following morning is much less than that which is said to have been counted by the members of the first relief party and Babu Jamuna Karji. At the time the account of the dead was made by these people they had been working for nearly two hours in evacuating the injured, and in view of the different number stated by Babu Jamuna Karji, Mr. Fitz Gerald, and the Sub-Registrar of Kishanpur, none of whose figures are exact, no great reliance can be placed on their estimates, which are much larger than the number actually recovered by the police. From the departure of the relief train up to the morning there was a guard of police and chaukidars over the wreckage. The members of the relief party admit that no bodies were removed while they were present, and there is no evidence that any bodies were removed subsequently.

During the night the Assistant Engineer Mr. Livingston and the District Traffic Superintendent Mr. Brown searched among the wreckage and after a careful search could discover only six bodies. The number of dead bodies therefore found by the police on whom inquest report was held is in my opinion the correct number of people killed at the scene of the accident. The inquest held by the Government Railway Police Sub-Inspector is signed by one Parduman Lal, Law Superintendent of the

Sursand estate, the Writer Head Constable Jamuna Prashad and the Junior Sub-Inspector of Warisnagar.

Of the 15 persons removed, one who was admitted to the railway hospital died on the 23rd, and two cases are still under treatment for lacerated thighs, one at the Banwari Lal Hospital, Laheria sarai, and one at the Samastipur dispensary.

I would recommend that there should be more effective organisation by the railway administration of their medical department for rendering first aid and evacuation of the injured. I also wish to bring to your notice the commendable public spirit displayed by Babu Jamuna Karji, Mr. Fitz Gerald and Muhammad Sherrif, Senior Sub-Inspector of Warisnagar.

ALLOCATION OF COSTS BETWEEN THE DIFFERENT LOCAL GOVERNMENTS IN CONNECTION WITH THE DEOGHAR CONSPIRACY CASE.

169. **Mr. Gaya Prasad Singh** : Have Government received any representation from the Government of Bihar and Orissa on the subject of the allocation of cost in conducting the Deoghar conspiracy case, in which the accused came from Bengal, the United Provinces, and the Punjab ? If so, what decision, if any, has been arrived at regarding the allocation of cost between the different Local Governments concerned ?

The Honourable J. Crerar : A representation has been received from the Government of Bihar and Orissa on this subject asking for a contribution from central revenues towards the expenses of the case. The Standing Finance Committee of the Assembly has agreed to a supplementary demand of Rs. 50,000 being moved for this purpose, and this will be done in due course.

PREVENTION OF THE IMPORT INTO INDIA OF IMITATION TEAS.

170. **Mr. Gaya Prasad Singh** : (*a*) Is it a fact that "imitation teas" in which weeds and other ingredients are mixed, are imported into India for consumption, and that they are injurious to health ?

(*b*) Where are these "imitation teas" produced ; and do Government propose to take necessary steps to prevent their import into India ?

Mr. G. S. Bajpai : (*a*) and (*b*). The Government of India understand that imitation tea is manufactured at Virudhunagar in the Ramnad District of the Madras Presidency from the leaves of certain trees and that this stuff is imported coastwise from Tuticorin to Bombay, etc., probably under other descriptions such as "Soap Nut Powder". It is also reported that there is some traffic in artificially coloured teas in Amritsar, but no information is available as to whether these are imported from outside and if so whence. I regret I am not in a position to express any definite opinion as to whether the imitation teas are injurious to health, as such opinion can be expressed only after a careful scientific analysis of the ingredients. With regard to the question of the prevention of the importation of such teas I may state that action has already been taken or is being taken by Local Governments to prescribe under their Food Adulteration Acts a standard quality of tea for sale for human consumption. In view of this the Government of India do not propose to take any further action in the matter.

RAILWAY SURVEY FROM RUTLAM-BANSWARA TO GALIAKOT IN CENTRAL INDIA.

171. **Mr. Gaya Prasad Singh** : (*a*) It is proposed to have a railway survey made from Rutlam-Banswara to Galiakot (Bombay, Baroda and Central India Railway) in Central India ?

(*b*) Will this railway line, if constructed, pass through Sailana, which is a populous and growing centre ?

Mr. A. A. L. Parsons : (*a*) A traffic survey for a railway from Rutlam *via* Banswara to Galiakot has been sanctioned.

(*b*) Until an engineering survey has been made the exact alignment of the Railway cannot be stated.

INADEQUATE REPRESENTATION OF SIKHS IN THE POST OFFICE AND THE RAILWAY MAIL SERVICE IN THE PUNJAB.

172. **Sardar Gulab Singh** : (*a*) Will Government be pleased to place on the table two statements showing the following information :

Statement No. 1.

Name of Circle, Division or Office.	Total number of clerks or sorters including Reserve.	Number of clerks or sorters belonging to Sikh community.	REMARKS.
1. Punjab and N. W. F. C. Postal Circle ..			
2. Office of P. M. G., Lahore			
3. R. M. S. D. Division			
4. R. M. S. K. Division			
5. R. M. S. L. Division			

Statement No. 2.

Name of Circle, Division or Office.	Total number of vacancies of clerks or sorters (including Reserve) filled up during the year 1927-28.	Number of vacancies filled up by recruiting members of Sikh community.	REMARKS.
1. Punjab and N. W. F. C. Postal Circle ..			
2. Office of P. M. G., Lahore			
3. R. M. S. D. Division			
4. R. M. S. K. Division			
5. R. M. S. L. Division			

(*b*) Is it a fact that the Director General, Posts and Telegraphs, issued orders to the effect that every third vacancy be given to the members of the community which is inadequately represented ?

(*c*) Is it a fact that the Sikh community is poorly represented in the Post Office and R. M. S. in the Punjab ?

(*d*) If the answer to part (*c*) is in the affirmative, do Government propose to take suitable action against the officials responsible for not abiding by the Director-General's instructions referred to in part (*b*) and not allowing every third vacancy to Sikhs in the Departments named above ?

(*e*) Do Government propose to issue strict instructions to the effect that in future the rights of the Sikh community are not ignored in recruiting candidates and that recruitment is made strictly in accordance with Director-General's instructions referred to in part (*a*) above ?

The Honourable Mr. A. C. McWatters : The information asked for by the Honourable Member is being collected and will be furnished to him in due course.

ABOLITION OF THE WESTERN CIRCLE OF THE RAILWAY MAIL SERVICE AT POONA.

173. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether the abolition of the Western Circle, Poona, of the R. M. S. has resulted in economy ?

(*b*) If so, how much ?

(*c*) If not, whether they propose to abandon the scheme for abolition in other centres ?

The Honourable Mr. A. C. McWatters : (*a*) and (*b*). The scheme was adopted for administrative rather than financial reasons, and no marked economy is anticipated at present.

(*c*) No.

GRANT OF HELP TO THE WIDOW AND FAMILY OF MR. GANPATI AYER, LATE HEAD SORTER, NO. 8 SECTION, RAILWAY MAIL SERVICE, BANGALORE CITY.

174. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether they are aware that Mr. Ganpati Ayer, the late Head Sorter, No. 8 Section, Railway Mail Service, Bangalore City, contracted a wound in the course of his official duty and after some time died on account of it, leaving a widow and some children ?

(*b*) whether the widow has sent a petition for help for the family and to give some suitable job for her eldest boy ? and

(*c*) whether Government has considered the petition and, if so, what the decision is ?

Mr. P. G. Rogers : (*a*) The evidence available shows that the wound was not contracted in the course of official duty.

(*b*) Yes.

(*c*) The matter is under consideration.

DEPARTMENTAL EXAMINATION FOR POSTAL ACCOUNTANTS.

175. **Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state whether there is an open and competitive departmental examination held for Postal Accountants since 1925 to all who have rendered 3 years' service or more in the clerical cadre ?

(*b*) If the reply to (*a*) be in the affirmative, will the Government be pleased to state the syllabus prescribed for the above examination ?

(*c*) Will the Government be pleased to state the number of officials of the clerical cadre with 3 years' service or more in the whole of India and Burma, the number who appeared for the examinations held in 1925, 1926 and 1927 and the number who passed in each of the said examinations ?

Mr. P. G. Rogers : (*a*) Yes.

(*b*) A syllabus of the examination will be supplied to the Honourable Member.

(*c*) The information is being collected and will be furnished to the Honourable Member on its receipt.

DEPARTMENTAL EXAMINATION FOR INSPECTORS AND SUPERINTENDENTS' HEAD CLERKS IN THE POSTAL DEPARTMENT.

176. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that there was a departmental examination held for the appointments of Inspectors' and Superintendents' Head Clerks in the Postal Department ?

(*b*) if so, its syllabus :

(*c*) whether the said examination was a competitive one thrown open to all officials of the clerical cadre in India and Burma : and

(*d*) the number that passed in each of the said examinations ?

Mr. P. G. Rogers : (*a*) Yes.

(*b*) and (*c*). The examination was conducted by Heads of Postal Circles who exercised their own discretion as to the syllabus and conditions of the test. In some circles the examination was an open competitive one, in others not.

(*d*) Government do not consider that the possible utility of the information when obtained will justify the time and labour which will be required to collect the figures asked for by the Honourable Member.

DEPARTMENTAL EXAMINATION FOR INSPECTORS AND SUPERINTENDENTS' HEAD CLERKS IN THE POSTAL DEPARTMENT.

177. **Mr. N. M. Joshi** : Will Government be pleased to state :

(*a*) whether it is a fact that an examination has recently been introduced in G. O. No. 5 of 19th July 1927 issued by the Director-General of Posts and Telegraphs for promotion to the Selection Grade of Rs. 160—10—250 including the

appointments of Inspectors and Superintendents' Head Clerks in the Postal Department ?

(*b*) if so, its syllabus ?

Mr. P. G. Rogers : Yes ; this General Order has however been superseded by the orders contained in part V of Director-General's Circular (Post Office) No. 10, dated the 24th May, 1928.

A copy of this, which includes the syllabus, will be supplied to the Honourable Member.

PAY OF INSPECTORS OF POST OFFICES, ETC.

178. **Mr. N. M. Joshi** : Will Government be pleased to state the pay of Inspectors of Post Offices, Head Clerks to Superintendents of Pose Offices and other I Selection grade officers and accountants in Post Offices with their respective duties and responsibilities ?

The Honourable Mr. A. C. McWatters : Inspectors of Post Offices, Head Clerks to Superintendents of Post Offices and other 1st selection grade officials are in the grade of Rs. 160—10—250. Accountants in Post Offices ordinarily draw the local time-scale of pay with a special pay of Rs. 10 or Rs. 15, but in the more important Post Offices there are Accountants drawing the pay of the selection grades namely Rs. 160—10—250 and Rs. 250—20—350.

2. The duties and responsibilities of the officials in question are generally as their designations imply, but a detailed catalogue would exceed the reasonable limits of a reply to the Honourable Member's question.

DEPARTMENTAL EXAMINATION FOR INSPECTORS OF POST OFFICES AND SUPERINTENDENTS' HEAD CLERKS.

179. **Mr. N. M. Joshi** : Is it a fact that officials who passed the departmental examination for Inspectors and Superintendents' Head Clerks and who are in the waiting list have been exempted from passing the examination prescribed in D. G.'s G. O. No. 5 of 19th July 1927 and similar exemption denied to passed accountants in D. G.'s No. As. A. 3-27 of 3rd November 1927 addressed to all Postmasters General ? If so, why ?

The Honourable Mr. A. C. McWatters : Yes. The Honourable Member's attention is invited to the reply to paragraph (*a*) of the unstarred question No. 483, by Mr. B. Das in the Legislative Assembly on the 27th March 1928.

GRANT OF INCREMENTS FOR THE PAST POSTAL SERVICES OF THE POSTAL RECRUITED MEN.

180. **Mr. N. M. Joshi** : (*a*) With reference to the reply to unstarred question No. 463 given in the Assembly on 27th March 1928 regarding the counting of total length of postal service, will the Government be pleased to state, whether they are aware of the fact that the men transferred from the Post Office to the Telegraph Department were signallers doing the work of the Telegraph Branch ?

(*b*) If the answer be in the affirmative, will the Government be pleased to state whether they will reconsider and grant increments for the past postal services of the postal recruited men ?

The Honourable Mr. A. C. McWatters : (*a*) The signalling work done in the Post Office by the postal signallers subsequently transferred to the Telegraph Branch formed a part only of their duties.

(*b*) Government are not prepared to reconsider their decision on this question.

GRANT OF PENSION TO MISTRIES.

181. **Mr. N. M. Joshi** : With reference to the reply to question No. 466 given in the Assembly on 27th March 1928 regarding the grant of pension to *mistries*, will the Government be pleased to state when the decision will be reached ?

The Honourable Mr. A. C. McWatters : Government are not yet in a position to give the information asked for by the Honourable Member.

RECRUITMENT FOR THE SIGNALLING ESTABLISHMENTS IN THE MADRAS CIRCLE.

182. **Mr. N. M. Joshi** : Will the Government be pleased to state when the open recruitment for taking men in the Signalling Establishments in the Madras Circle will take place ?

Mr. P. G. Rogers : The revised rules regarding the recruitment of candidates for the Signalling Establishment of the Department have already been approved by the Government of India, and will shortly be given effect to, not only for Madras, but for the whole of India.

STOPPAGE OF RECRUITMENT TO THE GENERAL SERVICE OF THE TELEGRAPH DEPARTMENT FROM THE COONOOR AND LOVEDALE SCHOOLS, ETC.

183. **Mr. N. M. Joshi** : With reference to the reply to question No. 467 (*b*) given in the Assembly on 27th March 1928 regarding the abolition of distinctions made between Indians and Anglo-Indians, will the Government be pleased to state the decision that has been arrived at ?

The Honourable Mr. A. C. McWatters : The attention of the Honourable Member is drawn to the revised rules for the recruitment of candidates to the Signalling Establishment of the Department a copy of which will be supplied to him.

EXAMINATION FOR CLERKS IN THE CENTRAL TELEGRAPH OFFICE AT MADRAS.

184. **Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state whether any examination was held on the 28th June 1928 in the Central Telegraph Office at Madras for appointing clerks ?

(*b*) If the answer be in the affirmative, will the Government be pleased to furnish :

(1) Number of applications registered ?

(2) Number of candidates allowed to sit for the examination ?

(3) Number of candidates declared successful ?

(*c*) Will the Government be pleased to state out of the successful candidates (1) how many have University or School Final qualifications (2) how many of them are unpassed men (3) how many of them are women, and (4) how many of these women had either University or School Final qualifications ?

(*d*) Will the Government be pleased to state whether any re-examination was held in dictation for those who failed in that subject the first time ?

(*e*) If the answer be in the affirmative, will Government be pleased to state whether all the men who failed in dictation the first time were allowed to appear for the second time ?

(*f*) If the answer be in the negative, will Government be pleased to state why the officer should not allow all the men to appear for the examination the second time ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) —

(1) One hundred and fourteen,

(2) All,

(3) First seventeen in order of merit.

(*c*) —

(1) Twelve,

(2) Two,

(3) Three,

(4) None.

(*d*) Yes.

(*e*) No.

(*f*) Because some of the candidates did so badly in the first test that it seemed unnecessary to examine them again.

DEPARTMENTAL EXAMINATIONS FOR SUBORDINATES IN POST OFFICES.

185. **Mr. N. M. Joshi** : (*a*) Will the Government be pleased to state whether there are any departmental examinations in the Post Office for the subordinates irrespective of qualification for promotion to Superintendent of Post Offices ?

(*b*) If the answer be in the affirmative, will the Government be pleased to state why should not a similar examination be held in the Telegraph Department for the subordinates for promotion to second and first division of appointments in the traffic branch ?

The Honourable Mr. A. C. McWatters : (*a*) Yes. In the Post Office there is a departmental examination for promotion to the grade of Superintendent open to selected subordinates.

(*b*) Government understand that this question is already engaging the attention of the Director-General.

DATES OF APPOINTMENT AND CONFIRMATION OF CERTAIN CLERKS IN THE CENTRAL STATIONERY OFFICE.

186. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to furnish the date and year when the following clerks of the Central Stationery Office were appointed and confirmed.

1. Babu Sailendranath Bose,
2. Babu Promoderanjan Banerjee,
3. Md. Nazmul Alam, B.A.,
4. Babu Fanindranath Bose,
5. Babu Barendranath Bose,
6. Babu Birendranath Mitra,
7. Babu Subalak Chandra Chatterjee,
8. Babu Abanibhusan Mukherjee,
9. Md. Serajuddin Ahmed,
10. Babu Triguna Charan Chakraburtty,
11. Babu Sourendranath Roy,
12. Babu Ashitnath Roy, and
13. Babu Susil Kumar Chakraburtty.

(*b*) Will he be pleased to state :

(*i*) the date of the salary bill or bills in which they were shown confirmed,

(*ii*) the particulars of the date, month and year in which their service books were prepared,

(*iii*) the name of the Deputy Controller of the Central Stationery Office in whose time they were confirmed, and

(*iv*) the name of the Deputy Controller of Stationery who attested their service books ?

(*c*) Will he be pleased to say whether it is a fact that (*i*) the service books were prepared long after the dates of their confirmation, and (*ii*) these service books were therefore attested by the successors of the officers in whose time they were confirmed ?

(*d*) If the answer to (*c*) above be in the affirmative, will he be pleased to say the name of the officer who is responsible for this delay and irregularity and what disciplinary action do Government propose to take against him ?

(*e*) If the answer to (*c*) above be in the negative, will he be pleased to put up the service books of the persons mentioned in (*a*) above ?

The Honourable Mr. A. C. McWatters : I propose to answer questions Nos. 186, 190 and 191 together. The information required by the Honourable Member relates to matters of administrative detail which are left to the discretion of the Controller of Printing and Stationery. The Government of India regret that they cannot undertake to obtain this information as it would involve an amount of time and trouble disproportionate to the result. If there has been any irregularity, it is open to the clerks concerned to make a representation to the Government of India.

IRREGULARITY IN CONFIRMATION OF CLERKS IN THE CENTRAL STATIONERY OFFICE.

187. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member be pleased to state the circumstances under which the persons appointed in the Stamp Branch were transferred to the Stationery Branch and confirmed earlier than the persons who were appointed in the Stamp Branch prior to them but subsequently transferred to the Stationery Branch ?

(*b*) Is it a fact that Babu Triguna Charan Chakrabortty, B.A., originally appointed in the Stamp Branch was transferred to the Stationery Branch and confirmed in clerical grade I in preference to Babu Sanatkumar Chatterjee, B.A., and Nanda Dulal Chatterjee, B.A., clerks in clerical grade I, who were seniors to Babu Triguna Charan Chakrabortty in service ?

(*c*) If the answer to (*b*) above be in the affirmative will he be pleased to say, (*i*) in how many cases such irregularity in confirmations was adopted, and (*ii*) whether the Superintendent of the Central Stationery Office is responsible for such irregularity ?

(*d*) If so, will the Honourable Member be pleased to say what departmental action does he propose to take against him ?

The Honourable Mr. A. C. McWatters : I propose to answer questions Nos. 187, 188, 189, 192, 193, 194 and 195 together. Inquiries are being made, and I hope to furnish the Honourable Member with the results of these at a later date.

CONFIRMATION OF CERTAIN CLERKS IN THE CENTRAL STATIONERY OFFICE.

†188. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to refer to his reply given in answer to question No. 198 (*iv*) at page 1062 to the Legislative Assembly Debates, Vol. I, No. 22 of 1928 and say whether it is a fact that Babu Sanatkumar Chatterjee, B.A., Nagendranath Chakrabortty, B.A., Nando Dulal Chatterjee, B.A., and Manindranath Bhanja were confirmed subsequent to December 1927, *i.e.*, after the date when the question No. 198 referred to above was forwarded to the Central Stationery Office for furnishing facts ?

(*b*) If the answer to question (*a*) above be in the negative, will the Honourable Member be pleased to substantiate the answer by furnishing :

(*i*) the date when their service books were prepared,

(*ii*) the date of the salary bill or bills in which they were shown confirmed,

(*iii*) the name of the Deputy Controller who was in charge of the Stationery Office at the time of their appointment and at the time of their confirmation, and

(*iv*) the name of the Deputy Controller who attested their service books ?

(*c*) If the answer to question (*a*) above be in the affirmative, will he be pleased to say why these facts were not mentioned in the reply to question 198 (*iv*) referred to in (*a*) above ?

†For answer to this question, see answer to question No. 187.

(*d*) Will the Honourable Member be pleased to state whether the Superintendent of the Stationery Office is responsible for this misstatement of facts furnished to Honourable Member ?

(*e*) If so, what departmental action does the Honourable Member propose to take against him ?

DATES OF CONFIRMATION OF CERTAIN CLERKS IN THE CENTRAL STATIONERY OFFICE.

†189. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether it is a fact that Babu Triguna Charan Chakrabortty, B.A., was appointed in the Stamp Branch under the Controller of Printing ; Stationery and Stamps subsequent to Babu Sanatkumar Chatterjee, B.A. ?

(*b*) Will he be pleased to say whether it is a fact that Babu Triguna Charan Chakrabortty was transferred to the Stationery Branch and confirmed earlier than Babu Sanatkumar Chatterjee although the latter submitted a health certificate earlier ?

(*c*) If the answer to (*b*) above be in the affirmative will the Honourable Member be pleased to state the reason for such preferential treatment to Babu Triguna Charan Chakrabortty ?

(*d*) Is it a fact that Babu Triguna Charan Chakrabortty was the private tutor to the sons of the Superintendent of the Central Stationery and Stamp office ?

DATES OF CONFIRMATION OF CERTAIN CLERKS IN THE CENTRAL STATIONERY OFFICE.

‡190. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to refer to the statement furnished in anwer to question 198 (*b*) (*i*) at page 1062 of the Legislative Assembly Debates, Vol. I, No. 22 of 1928 and state :

(*i*) in what particular month's salary bill or bills the following persons were shown confirmed :

Babu Ajit Narayan Chowdhuri, M.Sc.,
Babu Prodyut Kumar Sen Gupta, B.A.,
Babu Nagendranath Chakraburty, B.A.,
Babu Sanatkumar Chatterjee, B.A.,
Babu Nandodulal Chatterjee, B.A., and
Babu Manindranath Bhanja, Matric.

(*ii*) When their service books were prepared, and

(*iii*) whether their service books bear the attestation of Mr. G. W. Coster who was Deputy Controller during 1925-27 ?

(*b*) Is it a fact that Babu Ajit Narayan Chowdhuri, M.Sc., was appointed on six months' probation in a substantive post in the Stationery Branch ?

†For answer to this question, see answer to question No. 187.

‡For answer to this question, see answer to question No. 186.

(*c*) Is it a fact that he all along up to the end of August 1928 worked in the Stationery Department ?

(*d*) Is it a fact that he never worked in the Stamp Branch ?

(*e*) If the facts be otherwise as mentioned in (*c*) and (*d*) above, will Honourable Member be pleased to put up relative papers to substantiate his stateemnt ?

(*f*) Is it a fact that he was confirmed in a post in the Stamp Branch in 1927 ?

(*g*) If the answer to (*f*) above be in the affirmative, will the Honourable Member be pleased to state the circumstances under which he was confirmed in the Stamp Branch even though an order was passed in 1925 for its abolition in 1928 ?

NON-CONFIRMATION OF CERTAIN CLERKS IN THE CENTRAL STATIONERY DEPARTMENT.

†191. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member be pleased to state why Babu Ajit Narayan Chowdhuri was not confirmed in the post of the Stationery Department to which he was substantively appointed ?

(*b*) Is it a fact that Babu Nando Dulal Chatterjee, B.A., was appointed in 1925 in the Purchase Branch of the Stationery Office ?

(*c*) Is it a fact that he was shown holding a temporary post in the Forms Department in June 1928 ?

(*d*) If the answer to (*c*) above be in the affirmative will he be pleased to say why he was shown as made permanent in answer to question No. 198 (*b*) (*i*) at page 1062 of the Legislative Assembly Debates, Vol. I, No. 22 of 1928 ?

(*e*) Is it a fact that Babu Nagendranath Chakraburtty, B.A., was appointed in 1925, but has not yet been confirmed ?

(*f*) If the answer to (*e*) above be in the affirmative, will the Honourable Member be pleased to say how he was stated to have been made permanent in answer to question referred to in (*d*) above ?

(*g*) Is it a fact that Babu Rakhaldas Gupta submitted a medical certificate of health in 1925 ?

(*h*) If the answer to (*g*) above be in the affirmative, will the Honourable Member be pleased to state what facts he wanted to convey by the terms " for reasons of health " in answer to question *b* (*iv*) referred to in (*d*) above ?

(*i*) Is it a fact that Babu Rakhaldas Gupta enjoyed leave on average salary only permissible under the Fundamental Rules ?

(*j*) If the answer to (*i*) above be in the affirmative, will the Honourable Member be pleased to state why then he was not confirmed ?

†For answer to this question, see answer to question No. 186.

EMPLOYMENT OF MEN SANCTIONED FOR THE STAMP BRANCH IN THE STATIONERY BRANCH UNDER THE CONTROLLER OF PRINTING AND STATIONERY.

†192. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether it is a fact that the following persons drew salary from the Stamp Budget, but were attached to work in the Stationery Branch :

Maulvi Zahadur Rahaman,

Babu Amarendranath Manna,

Babu Nandodulal Chatterjee,

Babu Ajitnarayan Chowdhuri,

Babu Sasanka Jiban Ghose,

Maulavi Mahommad Ishaq,

Babu Chandi Charan Mukherjee,

Babu Prosad Das Mukherjee,

Babu Nagendranath Mukherjee No. II ?

(*b*) If the answer to question (*a*) above be in the negative, will he be pleased to say why they were served with notice relating to the termination of their service with the abolition of the Stamp Branch ?

(*c*) Will the Honourable Member be pleased to put up the attendance register of the Stamp Branch during 1925-27 in support of the answer to (*b*) above ?

(*d*) Will he be pleased to say why men sanctioned for the Stamp Branch and drawing salary from the Stamp Budget were actually employed to do work in the Stationery Branch under the Controller of Printing and Stationery ?

(*e*) Will the Honourable Member be pleased to say in what branches of the Printing and Stationery Department the persons named in the question (*a*) above were confirmed after the abolition of the Stamp Branch as ensured in his reply to question No. 198 (*iv*) at page 1062 of the Legislative Assembly Debates, Vol. I, No. 22 of 1928 ?

NEPOTISM IN THE CENTRAL STATIONERY OFFICE.

†193. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to refer to the reply to question No. 199 (*c*) at page 1063 of the Legislative Assembly Debates, Vol. I, No. 22 of 1928, and say whether it is a fact that the following persons are brothers-in-law of the present Superintendent (Rai Saheb A. C. Chunder, I.D.S.M.) of the Central Stationery Office :

Babu Phanindranath Bose of Accounts Branch,

Babu Sailendranath Bose of Supply Branch,

Babu Barendranath Bose of Examiners' Branch, and

Babu Bholanath Bose of the Co-operative Society of the Stationery Office ?

†For answer to this question, see answer to question No. 187.

(*b*) Is it a fact that Babu Netai Chandra Chunder (non-Matric) and Babu Anil Chandra Bose of the Central Forms Store are the son and brother-in-law of the Superintendent of the Central Stationery Office, who controls the appointments of the Forms Store, Central Publication Branch and the Calcutta Press ?

(*c*) Is it a fact that the following persons are relatives by marriage of the Head Assistant of the Supply Branch (Babu Jotindranath Ghose), now on deputation to the Central Publication Branch :—

Babu Suprokas Pal of the Purchase Branch,

Babu Birendranath Mitra of the General Branch, and

Babu Amullya Charan Ghose of Stationery Store ?

(*d*) Is it a fact that Babu Satis Chandra Mittra of the Purchase Branch of the Stationery Office, is the brother of the son-in-law of the Superintendent of that office ?

(*e*) Is it a fact that Babu Nirapada Mukherjee of the Stationery Store and Babu Nirmal Chandra Banerjee of the Accounts Branch of the Central Stationery Office are the son-in-law and nephew of the Head Assistant of the Purchase Branch (Babu Benode Behari Banerjee) of the Stationery Office ?

(*f*) Is it a fact that Babu Jibendranath Banerjee of the General Branch of the Stationery Office is the son of Babu Dijwendranath Banerjee, the Head Assistant of the Accounts Branch of the office ?

(*g*) Is it a fact that Babu Bhibuti Bhusan Chaterji of the Supply Branch is the son of the Head Assistant (Babu Atul Chandra Chatterjee) of the Supply Branch of the Central Stationery Office ?

(*h*) Is it a fact that Babu Sasanka Kumar Ghose of the Purchase Branch and Babu Santash Kumar Bose of the Examiner's Branch of the Central Stationery Office are the brothers-in-law of the Cashier (Babu Nerode Behari Bose) of the Central Stationery Office ?

(*i*) If the answers to questions (*b*) to (*h*) above be in the affirmative, will the Honourable Member in charge of the Industries and Labour Department be pleased to say why these facts were suppressed in furnishing the answer to the question referred to in (*a*) above ?

(*j*) Does he propose to enquire into the matter and take proper steps so that no such mis-statement is furnished in this Assembly in future ?

SUPERSESSION OF CERTAIN CLERKS IN THE CENTRAL STATIONERY OFFICE BY BABU SUPROKAS PAL.

†194. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state when Babu Suprokas Pal of the Purchase Branch of the Central Stationery Office was confirmed in the grade of Rs. 80—200 ?

(*b*) Is it a fact that he was allowed to officiate in the post of the Head Assistant of the Purchase Branch during April and May 1928 ?

†For answer to this question, see answer to question No. 187.

(*c*) Is it a fact that the following assistants of the Central Stationery Department are senior to Babu Suprokas Pal in pay and length of service and superior to him in educational qualification :—

Babu Haripada Kundu,

Babu Benode Behari Moohkooty,

Babu Akhil Chandra Dey,

Babu Sudhansusekhar Banerjee,

Babu Kalipada Ghose, and

Babu Jitendranath Bhattacharjee ?

(*d*) Is it a fact that all the assistants mentioned in (*c*) above held independent charges of sections and branches of the Stationery Office some time or other previous to Babu Suprokas Pal's appointment as the Head Assistant of the Purchase Branch of that office ?

(*e*) Is it a fact that Babu Suprokas Pal was never placed in independent charge of a section or a branch of the Stationery Office previous to his officiating as the Head Assistant of the Purchase Branch ?

(*f*) If the answers to questions (*c*), (*d*) and (*e*) above be in the affirmative, will the Honourable Member be pleased to state whether the supersession of the persons mentioned in (*c*) above by Babu Suprokas Pal was dealt with on the merits of the case by specifying the reasons and grounds of supersession in each case ?

(*g*) If the answer to (*f*) above be in the affirmative, will the Honourable Member be pleased to put up the file or files in that connection ?

(*h*) If the answer to (*f*) above be in the negative, will the Honourable Member be pleased to state why this irregular procedure of superseding the claims of men without anything written on record is adopted in the Stationery Office ?

(*i*) Is it a fact that the persons mentioned in (*c*) above were superseded on the ground that they had no training in the working of the Purchase Branch of the Stationery Office ?

(*j*) If the answer to (*i*) above be in the affirmative, will the Honourable Member be pleased to state whether transfers from one Branch to another in the Central Stationery Office are made at any stated time ?

(*k*) If the answer to (*j*) above be in the affirmative, will the Honourable Member be pleased to state the reason and circumstances under which the persons named in (*c*) above were never transferred to the Purchase Branch ?

DATES OF CONFIRMATION OF CERTAIN CLERKS IN THE CENTRAL STATIONERY OFFICE.

†195. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to refer to the reply to question No. 198 (*b*) (*v*) at page 1062 of the Legislative Assembly Debates, Vol. I, No. 22 of 1928 and state the circumstances under which Babus Triguna Charan Chakraburtty, B.A., and Sourindra-

†For answer to this question, see answer to question No. 187.

nath Roy, Matrics, were confirmed earlier to the recruits made by Mr. F. D. Ascoli, M.A., I.C.S., as Controller of Printing, Stationery and Stamps ?

(*b*) Will the Honourable Member be pleased to put up their appointment and confirmation file or files showing the grounds and reasons why they were confirmed earlier though recruited later ?

(*c*) Is it a fact that Babu Triguna Charan Chakraburtty, B.A., was the private tutor to the sons of the Superintendent of the Stationery Office (Rai Saheb A. C. Chunder, I.D.S.M.) ?

(*d*) Will the Honourable Member be pleased to mention any other case of confirmation in which priority of appointment was not taken into consideration ?

(*e*) If the answer to (*d*) above be in the negative, will the Honourable Member be pleased to state the reasons why preferential treatment was accorded to Babus Triguna Charan Chakraburtty and Sourindranath Roy in their confirmation ?

ADEQUATE REPRESENTATION OF TELEGUS IN THE AUDIT OFFICE OF THE VIZAGAPATAM HARBOUR CONSTRUCTION.

196. **Mr. V. V. Jogiah** : (*a*) Is it a fact that 12 out of the 20 accountants and clerks employed in the Audit Office of Vizagapatam (purely Telugu country) Harbour construction are Tamilians ?

(*b*) Is it a fact that only 3 out of 20 clerks are Telugus ?

(*c*) What was the number of Tamilians employed prior to 1926 in the Audit Office and what is the number of Tamilians subsequent to 1926 up to date, stating the exact number of Tamilians and Telugus ? Will the Government be pleased to state the reasons of this influx of the Tamil element ?

(*d*) Do Government propose to take steps to increase the number of Telugu hands ?

The Honourable Sir Bhupendra Nath Mitra : Enquiry is being made and a reply will be sent to the Honourable Member in due course.

HOURS OF REST OF THE STAFF OF THE SUCTION DREDGER "VIZAGAPATAM."

197. **Mr. V. V. Jogiah** : (*a*) Is it a fact that it is proposed to work the suction dredger "Vizagapatam" of the Vizagapatam Harbour construction for 2 shifts of 12 hours or 24 hours per day ?

(*b*) Is it a fact that the European staff of each shift of 12 hours are allowed to rest ashore in free furnished quarters when off duty ?

(*c*) If so, why have no arrangements been made for the Indian staff of each shift as well ?

Mr. A. A. L. Parsons : The information asked for is being obtained and will be furnished to the Honourable Member on receipt.

APPOINTMENT OF CHIEF ENGINEER ON THE SUCTION DREDGER "VIZAGAPATAM."

198. **Mr. V. V. Jogiah** : (*a*) Is it a fact that the best qualified and experienced engineers are selected for the engineer's post on the suction dredger "Vizagapatam" ?

(*b*) If the answer to (*a*) is in the affirmative, why were the claims of statutory natives of India who held a first class B. O. T. certificate and who had actually worked as Chief Engineer for several years, overlooked and an Englishman who had never worked as a Chief Engineer appointed to the vacancy of Chief Engineer on the dredger "Vizagapatam" ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) The engineer who was appointed Chief Engineer holds a first class B. O. T. certificate, and previously acted as Chief Engineer on a reclamation dredger. He was considered the most suitable of the applicants.

ALLEGED INSULTING BEHAVIOUR OF EUROPEAN OFFICERS AND ENGINEERS TOWARDS INDIANS WORKING ON THE DREDGER "VIZAGAPATAM."

199. **Mr. V. V. Jogiah** : (*a*) Is it a fact that the Executive Engineer, Dredging-Division, Vizagapatam Harbour Construction, has received complaints from the Indians working on that dredger that European officers and engineers are in the habit of abusing and insulting the said Indians ?

(*b*) If so, what action has the Executive Engineer taken in the matter ?

Mr. A. A. L. Parsons : Government have received no report to this effect.

NUMBER OF HOURS OF ACTUAL DREDGING DONE BY THE SUCTION DREDGER "VIZAGAPATAM," ETC.

200. **Mr. V. V. Jogiah** : Will the Government be pleased to lay on the table a statement showing :

(*a*) Number of hours of actual dredging done by the suction dredger "Vizagapatam" from the date of her entry into the creek to the 15th August, 1928 ?

(*b*) Number of hours of stoppage due to breakdowns, overhauls, and to other causes ?

(*c*) Total quantity dredged up to date and the total quantity required to be dredged before ships may enter the Harbour ?

(*d*) Actual expenditure as compared with the output per cubic yard ?

(*e*) The cost of the dredger and the cost of repairs of the previous dredger when it was towed to Calcutta last year ?

Mr. A. A. L. Parsons : I can only give this information up to 4th August, 1928, which is as follows :

(*a*) $1083\frac{1}{7}$.

(*b*) $880\frac{1}{2}$.

(*c*) (*i*) 10,381,700 cubic ft.

(*ii*) 184,000,000 cubic ft.

(*d*) I am obtaining the information asked by the Honourable Member.

(*e*) (*i*) £153,280.

(*ii*) Rs. 3,86,000.

ALLEGED ILL TREATMENT OF BENGALI CLERKS IN THE OFFICE OF THE ACCOUNTANT GENERAL, CENTRAL REVENUES.

201. **Mr. Amar Nath Dutt** : Are Government aware that the Bengali clerks are ill-treated in the office of the Accountant General, Central Revenues, and that further recruitment of Bengalis has been stopped ? If so, do Government propose to mitigate the evil ?

The Honourable Sir Bhupendra Nath Mitra : Enquiry is being made, and a reply will be given to the Honourable Member in due course.

PROTECTION OF THE LIFE AND PROPERTY OF THE INHABITANTS OF THE VILLAGES KOILWAR, MAHMADPUR, ETC., FROM FLOODS.

202. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Is it a fact that the life and property of the inhabitants of the villages between Dehri and the place where the ' Sone River ' falls into the ' Ganges ' especially Koilwar, Mahmadpur, Dhamdhia, Surodha, Pareo and Pachlotia, etc., etc., which are situated at the bank of ' Sone River ' in Bihar Circle, are cut short every year during floods causing great loss in all respects ?

(*b*) If so, will Government be pleased to state whether any arrangements have been made for permanent precaution for the protection and safety of the life and property of the above-mentioned inhabitants ? If so, what ? If not, why not ?

(*c*) If the reply to (*b*) above is in the negative do Government propose to take every possible action for the protection of life and property of the said villagers by providing sufficient funds for the construction of butteress in necessary places between the above-quoted area or by constructing additional canals to subside the force of the flood in the ' Sone River ' ?

(*d*) Has any action in the matter since been taken by the Bihar and Orissa Government ? If so, what ?

The Honourable Mr. A. C. McWatters : (*a*) and (*d*). The Government of India have no information.

(*b*) and (*c*). Do not arise.

SUBMISSION OF MEMORIALS BY THE SUBORDINATE STAFF OF THE PRINTING AND STATIONERY DEPARTMENT.

203. **Mr. Satyendra Chandra Mitra** : (*a*) Has the attention of the Honourable Member in charge of the Industries and Labour Department been drawn to the bye-rules framed by the Controller of Printing and Stationery relating to the submission of memorials by the subordinate staff of the Printing and Stationery Department in file No. H. Q.-4|134, dated the 17th March 1928.

(*b*) Will the Honourable Member be pleased to state whether these rules were forwarded to Government for their sanction and approval ?

(*c*) If the answer to (*b*) above be in the negative, will the Honourable Member be pleased to say whether Government vested the Controller with any special power to frame such rules ?

(*d*) If the answer to (*c*) above be in the affirmative, will the Honourable Member be pleased to place a copy of the order on the table ?

(*e*) Is it a fact that these rules are contradictory to the general rules framed by the Government of India relating to the submission of memorials ?

(*f*) If the answer to (*e*) above be in the affirmative, will the Honourable Member be pleased to pass orders for the cancellation of these rules mentioned in (*a*) above ?

The Honourable Mr. A. C. McWatters : (*a*) No rules were framed by the Controller, but a memorandum drawing attention to the correct procedure was issued by the Controller to the heads of all branches of the Printing and Stationery Department.

(*b*) The memorandum was submitted to Government for approval.

(*c*) and (*d*). Do not arise.

(*e*) No.

(*f*) Does not arise.

ALLEGED HIGHHANDEDNESS OF THE SUPERINTENDENT OF THE CENTRAL STATIONERY OFFICE.

204. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state whether his attention was drawn to the three successive publications on the 29th January 1928, 9th February 1928 and 24th March 1928 in the *Forward* regarding the highhandedness of the Superintendent of the Central Stationery Office ?

(*b*) If the answer to (*a*) above be in the affirmative, will he be pleased to state whether any order was passed stopping the dramatic performances by the staff of the Central Stationery Office for any public charity in view of the mismanagement of the fund ?

(*c*) Will he be pleased to say whether any enquiry was made about the appropriation of the proceeds of the charity performance held in connection with the Mayor's Fund ?

(*d*) Will he be pleased to say whether any action was taken by the Controller of Printing and Stationery for the contribution of the balance of the proceeds realised from the charity performance towards the fund above-mentioned ?

(*e*) If the answer to (*d*) above be in the affirmative, will he be pleased to say :

(*i*) whether the last instalment of Rs. 150 has been paid at all,

(*ii*) if it has been paid, when and

(*iii*) why the instalment was not paid in proper time ?

PRESENTATION MADE BY THE CLERKS OF THE CENTRAL STATIONERY OFFICE TO THE CONTROLLER OF PRINTING AND STATIONERY ON THE OCCASION OF THE MARRIAGE OF HIS DAUGHTER.

205. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Industries and Labour Department be pleased to state whether it is a fact that exaction was made from the clerks of the Stationery Office on the occasion of the marriage of the daughter of the Controller of Printing and Stationery ?

(*b*) Is it a fact that a sum of Rs. 500 was raised on that occasion ?

(*c*) Is it a fact that the marriage presentation was handed over to the Controller while he was in Calcutta by Babu Suprokas Pal of the Purchase Branch along with the Superintendent of the Stationery Office ?

CIRCULATION AMONGST THE STAFF OF THE PRINTING AND STATIONERY DEPARTMENT OF THE GRADATION LIST.

206. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether a combined gradation list of the clerks of the Central Stationery Office, Forms Store, Central Publication and the Calcutta Press under the Controller of Printing and Stationery is maintained ?

(*b*) If the answer to (*a*) above be in the affirmative, will he be pleased to state whether it is a fact that that list was never circulated amongst the members of the staff of those offices ?

(*c*) Is it fact that copies of the gradation list in other offices under the Labour and Industries Department are circulated amongst the members of the offices ?

(*d*) If the answer to (*c*) above be in the affirmative, does the Honourable Member propose to order the circulation of the gradation list referred to in (*a*) above amongst the staff of the Printing and Stationery Department ?

PROMOTIONS IN THE PRINTING AND STATIONERY DEPARTMENT.

207. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether all promotions in the Printing and Stationery Department are made according to the gradation list maintained in that Department ?

(*b*) Is it a fact that the gradation list was never circulated amongst the members of the staff of that department ?

(*c*) If the answer to (*a*) above be in the affirmative, will the Honourable Member be pleased to state in how many cases (*i*) promotions were not made according to the gradation list specifying the reason in each case ?

CONTROL FOR SUPPLYING COOLIES TO THE CENTRAL STATIONERY AND STAMP OFFICE.

208. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state how long Messrs. Bird & Co. had the contract for supplying coolie labour in the Central Stationery and Stamp Office ?

(*b*) Is it a fact that after the question No. 204 at page 1065 of the Legislative Assembly Debates, Volume I, No. 22 of 1928 was asked in this Assembly tenders for the supply of coolie labour were invited ?

(*c*) Will the Honourable Member be pleased to state whether any tender was called for coolie labourers so long as Messrs. Bird & Co. were the contractors ?

(*d*) If the answer to (*c*) above be in the negative, will the Honourable Member be pleased to mention the names and dates of the newspapers in which advertisements were issued for this purpose during the last five years stating the particulars of the parties who submitted tenders ?

CONTRACT OF MESSRS. BIRD AND CO. FOR THE SUPPLY OF COOLIES TO THE CENTRAL STATIONERY AND STAMP OFFICE.

209. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether it is a fact that in regard to the contract of Messrs. Bird and Co. for the supply of coolie labour to the Central Stationery Office slips for coolie hire are daily made and passed for daily payments ?

(*b*) Is it a fact that daily payments are made by the contractors on these coolie slips and after the expiry of the month a consolidated bill is submitted to the Accountant General, Central Revenues ?

(*c*) Is it a fact that there is no system of check for these coolie slips daily submitted by various sections and branches ?

(*d*) If the answer to (*c*) above be in the affirmative, does the Honourable Member propose to introduce any system which will prevent the submission of coolie hire slips without actual appointment of coolies ?

PRESENTATION MADE BY THE SUBORDINATE STAFF TO THE CONTROLLER OF PRINTING AND STATIONERY ON THE OCCASION OF HIS DAUGHTER'S MARRIAGE.

210. **Mr. Satyendra Chandra Mitra** : (*a*) Will the Honourable Member in charge of the Labour and Industries Department be pleased to state whether under the Government Servants' Conduct Rules an officer is permitted to take presentations from the staff subordinate to him on the occasion of his daughter's marriage ?

(*b*) If the reply to (*a*) above be in the affirmative, will he be pleased to cite the rules and orders sanctioning the acceptance of such marriage presentations from the subordinate staff ?

(*c*) If the reply to (*a*) above be in the negative, will the Honourable Member be pleased to state whether it is a fact that the Controller of Printing and Stationery (Mr. E. E. Coombs, O.B.E.) obtained presents from his subordinate staff on the occasion of his daughter's marriage ?

(*d*) If the answer to (*c*) above be in the affirmative, will the Honourable Member be pleased to place on the table a copy of the Government order as mentioned in (*b*) above ?

(*e*) If there is no such Government order as mentioned in (*b*) above, will the Honourable Member be pleased to state what departmental action was taken against the Controller of Printing and Stationery for violating the Government Servants' Conduct Rules ?

(*f*) If the answer to (*e*) above be in the negative, will the Honourable Member be pleased to state what action was taken against *Forward* by the Controller of Printing and Stationery or the Government in his behalf to withdraw its publication making false allegations against the Controller ?

(*g*) If no action as stated in (*f*) above has been taken, will the Honourable Member be pleased to state the reasons and circumstances under which no action was taken to rectify the allegations made in the *Forward* in its issue of the 9th February, 1928 ?

The Honourable Mr. A. C. McWatters : I propose to answer questions Nos. 204 to 210 together. Inquiries are being made and the results will be communicated to the Honourable Member in due course.

RESIGNATION BY BEDI RAGHBIR SINGH OF HIS COMMISSION IN THE INDIAN TERRITORIAL FORCE.

211. **Sardar Gulab Singh** : (*a*) Will Government please state whether it is a fact that Bedi Raghbir Singh was granted a commission as Honorary 2 Lieutenant in the 11/17th Dogra Regiment (Territorial) in 1924 ?

(*b*) If the reply to the above is in the affirmative, is it a fact that this officer was compelled to resign his commission under threat of removal from the Territorial Force on disciplinary grounds ?

(*c*) Is it a fact that a confidential communication on the above subject was received by the 11/17th Dogra Regiment (Territorial) from the Brigade Headquarters, Jullundur, which was noted by the above-named officer on or about the 14th August 1927 ?

(*d*) Is it a fact that Bedi Raghbir Singh resigned his commission on private grounds on 16th August, 1927, against his will in compliance with the confidential communication referred to above ?

(*e*) Is it a fact that Bedi Raghbir Singh cancelled his resignation in January 1928 ?

(*f*) Is it a fact that in spite of this cancellation, his resignation appeared in Government of India Gazette Notification No. 406, dated 24th March 1928 ?

(*g*) Is it a fact that Bedi Raghbir Singh has appealed to the Northern Command for his reinstatement fully stating the causes which led to his resignation ? If so, what has been the result ?

Mr. G. M. Young : (*a*) The facts are as stated except that the commission was dated the 1st April, 1925.

(*b*) No, Sir. The officer applied to resign his commission on account of the death of his father and the necessity for his presence at home to manage his family affairs.

(*c*) Government have no information.

(*d*) No, Sir. Government have no reason to suppose that the officer was influenced in any way by the military authorities in the matter of his resignation.

(*e*) In January 1928 he applied for permission to withdraw his resignation.

(*f*) He was not granted permission to withdraw his resignation and it was accordingly published in the Gazette of India.

(*g*) Government are not aware that he has appealed, but if he has, the appeal will no doubt be considered on its merits.

CREATION OF A CANTONMENT BOARD IN LANSDOWNE, ETC.

212. **Mr. Gaya Prasad Singh** : (*a*) Will the Government be pleased to state when the Cantonment administration was introduced in Lansdowne ? What was the (*a*) population, (*b*) income, and (*c*) number of clerks in the office when it was first started ?

(*b*) What was the *income* and *expenditure* and *number of clerks, sweepers, Jamadars* and *Bazaar Chaudharis* in each of the following years :—1906, 1913, 1920, 1927 ?

(*c*) How many times has the census of the Lansdowne Cantonment been taken since the creation of the Cantonment ? When was it last taken ?

(*d*) What was the census of Lansdowne Cantonment in 1911 and 1921 ?

(*e*) Are Government aware that the population of Lansdowne Cantonment is over 5,000 during summer ?

(*f*) Is it the intention of the Government or the Cantonment Authority to take its census this year or next year to find out if the population of Lansdowne is over 5,000 or not ?

(*g*) Is it the intention of the Government to create a Cantonment Board at Lansdowne ?

(*h*) Is it a fact that the Lansdowne Cantonment authorities have asked the Local Government to enhance the conservancy tax over 500 per cent. ?

(*i*) Were any persons residing in Lansdowne consulted before making such recommendation ? If so, who were the persons consulted and when were they consulted ?

(*j*) Is it a fact that the residents of Lansdowne have sent their objections to the Local Government ?

(*k*) When do Government propose to constitute a Cantonment Board for Lansdowne ?

Mr. G. M. Young : The information asked for is being obtained and will be supplied to the Honourable Member as soon as possible.

GRIEVANCES OF THE TELEPHONE PROBATIONERS IN THE PATNA DIVISION.

213. **Maulvi Mohammad Shafee** : (*a*) Will the Government be pleased to state whether their attention has been drawn to the correspondence in the *Searchlight* under the heading "Grievances of the Telephone Probationers in Patna Division", of the 23rd May 1928 and also to the correspondence in the *Patna Times* under the heading "Jobbery in the Patna Telephone Department", of the 22nd July, 1928, as also in the *Amrita Bazar Patrika* under the heading "Hard Lot of the Telephone Probationers in the Patna Division", of the 2nd June 1928, in regard to the injustice done

to about a dozen probationers who were taken in, in February 1927 by Mr. P. N. Biswas, the then Divisional Engineer, Telegraphs, Patna Division, to work as telephone operators ?

(*b*) Is it a fact that one Mr. E. A. Daranjo was appointed as a telephone operator in September 1927, without sitting for any examination and without having any superior qualification in preference to all others who came out successful in a competitive examination held in February 1927, who were given hopes of employment by the department ?

(*c*) Are Government aware that much injustice is done by the subordinate employees and that it reflects badly upon the management of the authorities of the Department ?

(*d*) Do Government propose to do justice to the disappointed probationers in the best manner possible ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) In the absence of any other suitable candidate, Mr. D'Aranjo was appointed as a telephone operator on passing the educational test, as at that time, of the 20 candidates who had been examined in February 1927, 8 had been provided for, one had refused an appointment, one had joined the East Indian Railway and the remaining 10 had been found to be unsuitable.

(*c*) Government do not consider that there was any injustice in rejecting candidates who had proved unfit.

(*d*) Does not arise.

SIKH, MUHAMMADAN, HINDU, AND CHRISTIAN CLERKS, ACCOUNTANTS, ETC., IN THE MILITARY ACCOUNTS DEPARTMENT.

214. **Sardar Gulab Singh** : (*a*) Will the Government please state separately the number of Sikhs, Muhammadans, Hindus and Christians clerks, accountants, Deputy Assistant Controllers of Military Accounts, and Imperial Service Officers in the Military Accounts Department ?

(*b*) In case of the communities with the least number do Government propose to take steps to bring that number to a fair proportion ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The information is being collected and will be furnished to the Honourable Member as soon as possible.

(*b*) In accordance with the general policy of Government in the matter, action has been taken to redress communal inequalities in the various grades in the Military Accounts Department. This process will, of necessity, be gradual.

REPRESENTATION OF SIKHS IN THE MILITARY ACCOUNTS DEPARTMENT.

215. **Sardar Gulab Singh** : (*a*) Will the Government please state the number of Sikhs, Muhammadans, Hindus and Christians (accountants and clerks) employed in the Military Accountant General's Office ?

(*b*) Is it a fact that employment in the above office is by selection from among the men in the Controllers' Offices ?

(*c*) Is it a fact that there is no Sikh in the above office at present ? If so, is it a fact that no Sikh is fit to be selected ? If this is not the case, do Government propose to take steps to bring in Sikhs ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) The number of Sikhs, Muhammadans, Hindus and Christians (accountants and clerks) employed in the Military Accountant General's office is as shewn below :

	Sikhs.	Muhammadans.	Hindus.	Christians.
Acountants		1	18	3
Clerks—permanent and temporary (including copyists and stenographers)		3	80	2

(*b*) Yes.

(*c*) There is no Sikh in the Military Accountant General's Office at present. Selections for appointments in that office are made from amongst men serving in Controllers' Offices who are specially recommended by their respective Controllers for a particular class of work. There is, therefore, no reason why a Sikh should not be so selected if he possessed the necessary qualifications.

NUMBER OF SIKHS, HINDUS AND MUHAMMADANS IN ARMY HEADQUARTERS, THE IMPERIAL SECRETARIAT AND THE RAILWAY BOARD.

216. **Sardar Gulab Singh** : What is the number of Sikhs, Hindus, Muhammadans in—

(*a*) The Army Headquarters (civilians only),

(*b*) The Imperial Secretariat, and

(*c*) The Railway Board ?

The Honourable Mr. J. Crerar : I understand that the Honourable Member wants information in regard to the clerical staff. The figures as they stood on the 31st December, 1927, were :

Office.	NUMBER AS ON THE 31ST DECEMBER 1927. Hindus	Muslims.	Sikhs.
(*a*) Army Headquarters (including Royal Air Force.)	391	111	42
(*b*) Imperial Secretariat (excluding Railway Department (Railway Board)]	484	126	25
(*c*) Railway Department (Railway Board) excluding the Technical Office	79	17	4

NUMBER OF SIKHS, HINDUS, MUHAMMADANS AND CHRISTIANS IN THE RAILWAY CLEARING HOUSE AT DELHI.

217. **Sardar Gulab Singh** : What is the number of Sikhs, Hindus, Muhammadans and Christians in the Railway Clearing House at Delhi ? In case of communities with the least number do Government propose to recruit a fair proportion of that community ?

Mr. A. A. L. Parsons : I would refer the Honourable Member to my reply to Nawab Sir Zulfiqar Ali Khan's similar question (No. 251) on the 7th March, 1928.

SEPARATE OFFICE FOR THE LEGISLATIVE ASSEMBLY.

218. **Mr. Amar Nath Dutt** : (*a*) Will Government be pleased to say what progress has been made with regard to the proposals for a separate office establishment for the Legislative Assembly ?

(*b*) Have Government addressed the Secretary of State for India on the subject ? If so, when ? Have they asked for a telegraphic reply ? If not, do they propose to do so now ?

(*c*) When do Government propose to bring the new office into existence ? Have Government made any recommendation to the Secretary of State to this effect ?

(*d*) Do Government propose to take the sanction of the Standing Finance Committee in anticipation of the Secretary of State's orders ? If not, why not ?

(*e*) What are the reasons for the delay in coming to a decision ? Do Government propose to take necessary action so that the new office may be brought into force at the earliest possible date ?

(*f*) Is it a fact that the Members of the Assembly are anxious to have a separate office ? If so, do Government propose to set up a temporary office with a separate Secretary, etc., for the Assembly, pending the Secretary of State's sanction ?

Mr. L. Graham : (*a*) A despatch on the subject was sent to His Majesty's Secretary of State for India on the 26th July last.

(*b*) The Secretary of State has not been asked to accord his sanction by wire, because there would appear to be ample time before the Delhi Session in which to receive his reply.

(*c*) The necessary action will be taken as soon as possible after the Secretary of State's sanction is received. No recommendation has been made as to the date from which the new office is to be brought into existence.

(*d*) Government are not prepared to take any action in anticipation of the sanction of the Secretary of State because until they know what has been sanctioned they will not know what to lay before the Standing Finance Committee.

(*e*) Having regard to the importance of the matter Government do not consider that an unduly long time has been expended on it. The Honourable Member is referred to the reply above to part (*c*).

(*f*) Government have not observed any great keenness on the part of Members to bring this matter up for discussion in this House. Government do not propose to take the action suggested.

DECREASE OF BENGALIS IN THE GOVERNMENT OF INDIA SECRETARIAT.

219. **Mr. Amar Nath Dutt** : Will the Government be pleased to state whether the proportion of the Bengalis employed in the Government of India Secretariat has considerably decreased since 1913 ? If so will the Government be pleased to state the reasons ?

Is it a fact that brilliant Bengali graduates' claims for service under the Government of India are often overlooked compared with members of the other communities ?

Are Government aware that there is a general feeling amongst the Bengali candidates for service under the Government of India, that they are not wanted by the Government ? If so, do Government propose to allay the general feeling and order recruitment on the basis of merit ?

The Honourable Mr. J. Crerar : Government have not complete information on the subject, but I am prepared to accept the Honourable Member's statement that this is so. As indicated in the replies given by Sir Alexander Muddiman on the 23rd March, 1925, and the 26th January, 1926, to Haji S. A. K. Jeelani and Khan Bahadur Sarfaraz Hussain Khan, one reason may possibly be that the removal of the seat of the Government of India from Calcutta has reduced the number of suitable Bengali candidates.

With reference to the remaining parts of the Honourable Member's question I can assure him that recruitment is made strictly on the basis of merit.

POLICY OF RECRUITMENT FOR THE SERVICES UNDER THE GOVERNMENT OF INDIA.

220. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state whether their policy of recruitment for the Services under the Government of India is based upon efficiency or community or religious persuasion ?

Will the Government be pleased to state whether they accept the principle laid down in the Queen's Proclamation about appointments under the Government ? If the answer be in the affirmative, will the Government be pleased to state whether orders have been issued in some offices to recruit on a communal and provincial basis ? If the answer be in the negative, are Government aware that such a policy is detrimental to the growth of Indian nationalism ?

The Honourable Mr. J. Crerar : Efficiency is the basis of all recruitment to Government service, but subject to the satisfaction of this primary condition the policy of Government is to regulate recruitment so as to prevent the preponderance of any one class or community. I have already undertaken to furnish the Honourable Member with a copy of the relevant instructions.

Her late Majesty's proclamation is binding on all servants of the Crown.

EMPLOYMENT OF MUHAMMADANS IN THE IMPERIAL LIBRARY.

221. **Mr. Muhammad Rafique** : (*a*) Will the Honourable Member in charge of the Department of Education, Health and Lands be pleased to refer to the answers given to questions Nos. 673 and 674 in this House of the 8th February, 1926, and No. 151, dated the 20th August, 1926, and lay on the table :

(*i*) a statement showing the total number of ministerial employees and sorters in the Imperial Library and the nationality (religion) of these officers separately : and

(*ii*) a statement showing the acting, temporary and permanent vacancies that occurred in these services since 20th August 1926 and how many of these were given to the Muhammadans ?

(*b*) Will the Honourable Member be pleased to say if it is a fact that the previous number of two Muhammadan clerks has been reduced to only one, *viz.*, the clerk in charge of the Arabic Department ?

(*c*) Is it a fact that during the period referred to above there were about seven permanent vacancies and no Muhammadans were taken in any of these ?

(*d*) Were all these vacancies advertised in the papers ? If not, why not ?

(*e*) Is it a fact in filling up two of these posts, it was advertised in the papers that men, having five years' experience in Library work would be taken ? And were men with such qualifications actually taken ?

(*f*) Is it a fact that for working in the temporary vacancies in the Imperial Library, no Muhammadans are taken, so as to give them an opportunity for acquiring experience in Library work and ultimately securing permanent posts, while raw Hindu outsiders are invariably taken with a view to provide them with permanent posts when vacancies occur ?

(*g*) In view of what is going on in the Imperial Library will the Honourable Member be pleased to say if any steps will be taken for securing to the Muhammadans their share of appointments in the Library as early as possible ?

Mr. G. S. Bajpai : Information is being collected and will be supplied to the Honourable Member in due course.

OPENING BY A CLERK OF THE IMEPRIAL LIBRARY OF A RESTAURANT IN THE LIBRARY.

222. **Mr. Muhammad Rafique** : (*a*) Will the Honourable Member in charge of the Department of Education, Health and Lands be pleased to say :

(*a*) Is it a fact that a clerk of the Imperial Library, Calcutta, has opened a restaurant in the Library through a sorter of the Imperial Library and that the profit arising therefrom is divided amongst them ?

(*b*) Is it a fact that the sorter and other menial staff of the Library are employed in the work of this restaurant during office hours ?

(*c*) If so, will the Honourable Member be pleased to say if any steps will be taken to stop this ?

(*d*) When the restaurant was opened did the authorities concerned call for any tender from refreshment vendors for running it ? Or was it a clerk who got the business started solely for his benefit, without such steps being taken first ?

Mr. G. S. Bajpai : Government have made enquiries and will communicate the result to the Honourable Member in due course.

SALE OF BOOKS AND PERIODICALS WEEDED OUT OF THE IMPERIAL LIBRARY, CALCUTTA.

223 **Mr. Muhammad Rafique** : (*a*) Is it a fact that books and periodicals received in the Imperial Library are privately sold by the clerks in charge as waste paper, without any regard whatever to their importance ?

(*b*) Is any list maintained of the so-called weeded out books and magazines and are proper records kept of their disposal ?

(*c*) Are any steps taken for checking from time to time the books and periodicals received in the Imperial Library with reference to the list of those weeded out ?

(*d*) Are the back numbers of important magazines like the *Lancet* and *Blackwood Magazine* also included in the weeded out list ? If so, how are they disposed of ?

(*e*) Is it a fact that the purchase and disposal of furniture for the Imperial Library is privately arranged by the clerk in charge, without any auction being held in the case of sale, or any tender being invited in the case of purchase, which causes financial loss to Government ?

Mr. G. S. Bajpai : (*a*) No.

(*b*) Yes.

(*c*) Yes.

(*d*) Important magazines are kept. The *Lancet* is not subscribed for. *Blackwood's Magazine* is kept.

(*e*) No.

GRANT OF A PENSION OR GRATUITY TO THE WIDOW OF MR. MADAN GOPAL, LATE A POSTAL EMPLOYEE IN THE CENTRAL PROVINCES.

224. **Seth Jamnadass** : With reference to my unstarred question No. 67, dated 29th August 1927 regarding the grant of relief to the family of the late Mr. Madan Gopal, a postal employee in the Central Provinces, answered in the Simla Session of the Assembly 1927, do Government propose to grant a gratuity or a pension very soon to the widow of the late Mr. Madan Gopal ?

The Honourable Mr. A. C. McWatters : The rules do not permit the grant of gratuity or pension in such cases.

FAILURE OF CROPS IN THE JUBBULPORE DISTRICT AND PARTS OF BENGAL.

225. **Seth Jamnadass** : (*a*) Has the attention of Government been drawn to the answer given by Earl Winterton, the Under Secretary of State for India, in reply to a question put by Mr. G. Lansbury, M.P., regarding the failure of crops in the Jubbulpore District and parts of Bengal recently in the House of Commons ?

(*b*) Has the suggestion made by Mr. Lansbury that the Government of India should issue a statement of their policy with regard to suspensions and remissions of land revenue been brought to the notice of the Government of India by the Secretary of State for India ?

Mr. G. S. Bajpai: (*a*) and (*b*). Yes.

INCLUSION OF CERTAIN SUBJECTS AS OPTIONAL SUBJECTS IN CERTAIN IMPERIAL SERVICES.

226. Seth Jamnadass : (*a*) Will Government be pleased to state which of the subjects studied by a student of B. Commerce of an Indian University are included in the following Imperial Services examinations :

(*i*) Finance.
(*ii*) Military Accounts.
(*iii*) Indian Audit.
(*iv*) Indian Customs ?

(*b*) Are Government prepared to consider the advisability of including the following subjects as optional subjects in the above examinations :

(*i*) Accountancy and Auditing.
(*ii*) Banking, Money, Currency and Public Finance.
(*iii*) Industrial and Commercial Organisation.
(*iv*) Economic Development of the Empire and India, so that a graduate in Commerce may also have a chance ? Do Government propose to consider the advisability of including these subjects in I. C. S. ?

The Honourable Sir Bhupendra Nath Mitra : I would refer the Honourable Member to the reply I have given to Dr. Moonje's question No. 324.

HEAVY RAINFALL IN BIHAR ON THE 4TH AND 5TH AUGUST.

227. Mr. Gaya Prasad Singh : (*a*) Is it a fact that in the Meteorological weather report, dated Poona, the 3rd August 1928, we find the forecast : " Decrease of rain in Bihar "; and in the same report, dated the 4th August, we read : " Further decrease in Bihar " ?

(*b*) Are Government aware that on August 3rd and 4th, Bihar had the heaviest rainfall within living memory, *i.e.*, 16.80 on the 3rd, and 15.40 on the 4th August ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) No such figures were recorded at any of the eleven representative observatories of the Meteorological Department in Bihar ; and the figures are entirely inaccurate if they are intended to denote the average rainfall over Bihar as a whole. Even if recorded at individual district stations, they would not constitute the heaviest rainfall in Bihar within living memory.

MOTOR SERVICE MAINTAINED IN DELHI FOR THE CONVEYANCE OF FILES FROM NEW DELHI TO VICEREGAL LODGE.

228. Mr. Amar Nath Dutt : (*a*) Is it a fact that a motor car service is always maintained during the winter season by the Home Department of the Government of India at Delhi for carrying files from New Delhi Secretariat to Viceregal Lodge ?

(*b*) What is the cost of maintaining such a service of cars and for how long has the system been in existence ?

(*c*) To whom has the contract been given for these years for the maintenance of such cars ?

(*d*) Have tenders ever been called for before the contract was entered into ? If not what are the reasons for such action ? If tenders were called for, how many people tendered ? Was the lowest tender accepted ?

The Honourable Mr. J. Crerar : (*a*) and (*b*). It is a fact that a motor service was maintained during the last two winter seasons for the carriage of files, letters, etc., between the Secretariat, New Delhi, and Viceregal Lodge or places within one mile thereof. The distribution was made from a central depôt and several Departments participated in the arrangement, the cost being Rs. 700 a month in 1926-27 and Rs. 650 a month in 1927-28.

(*c*) Mr. J. Carbery, retired Deputy Controller, Central Printing Office.

(*d*) Tenders were invited when the arrangement was first initiated, but for obvious reasons were confined to selected firms and individuals. The lowest tender was accepted.

CONSTRUCTION OF A RAILWAY FROM SAINTHIA TO BHERAMARA *via* BERHAMPORE.

229. Mr. Amar Nath Dutt : (*a*) Is it a fact that the construction of a railway line from Sainthia to Bheramara, *viâ* Berhampore was included in the approved projects of 1927-1928 ?

(*b*) What is the cause of the delay in the construction of the proposed line ?

(*c*) Is it a fact that the tracts through which the line is to pass have been declared a famine infected area ?

(*d*) Would it tend to ameliorate the conditions of the famine-stricken people if the construction of the line were taken in hand immediately ?

(*e*) Has the construction of the line been pressed for by the Eastern Bengal Railway and by their Advisory Committee ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) As the result of local petitions the eastern half of the alignment for the proposed line is under reconsideration by the Agent in consultation with the Local Government.

(*c*) The line would traverse certain tracts in which the Local Government have declared the existence of distress owing to scarcity, but not famine, this year.

(*d*) No representation to this effect has been received from the Local Government.

(*e*) The Local Advisory Committee pressed for construction last year, but the Eastern Bengal Railway Administration, though they were at one time anxious to start work on this line, had to postpone its commencement for the reason given in (*b*).

PROMOTION OF MR. WOOD TO OFFICIATE AS AN ASSISTANT TRAFFIC SUPERINTENDENT, KATIHAR, ON THE EASTERN BENGAL RAILWAY.

230. Mr. Amar Nath Dutt : (*a*) Will the Government be pleased to state if it is a fact that Mr. Wood, Transportation Inspector of the Eastern Bengal Railway, has been promoted to officiate as an Assistant Traffic Superintendent, Katihar ? Has he passed the examinations

necessary to qualify for appointment as Assistant Traffic Superintendent ? If not, will the Government be pleased to state on what ground Mr. Wood was promoted and whether other fully qualified subordinates were not awaiting promotion ?

(*b*) Will the Government be pleased to state what academical qualifications Mr. Wood has got and the departmental examinations for which he has qualified ?

Mr. A. A. L. Parsons : (*a*) Mr. Wood has been promoted to officiate as Assistant Traffic Superintendent, Katihar. There is no examination for the appointment of a qualified subordinate to officiate as an officer, and Mr. Wood was selected as the subordinate technically most suited to officiate in the post.

(*b*) He was selected for his technical, and not academical, qualifications.

PROMOTION OF MR. HOLDER TO THE POST OF TRANSPORTATION INSPECTOR ON THE EASTERN BENGAL RAILWAY.

231. **Mr. Amar Nath Dutt** : Will the Government be pleased to state if it is a fact that the District Traffic Superintendent, Lalmanirhat, Eastern Bengal Railway, promoted Mr. Holder a guard, to the post of Transportation Inspector ? Has he fully qualified in an assistant station master's duties ? Was there any senior duly qualified permanent assistant station master of Lalmanirhat District, who several times acted in place of Transportation Inspectors ? If so, why was not such duly qualified subordinate appointed ?

Mr. A. A. L. Parsons : Government have no information. A matter of this kind is within the competence of the Agent of the Railway, and it may be presumed that he selected the man considered best qualified for the post.

EDUCATION OF THE CHILDREN OF THE STAFF OF THE EASTERN BENGAL RAILWAY.

232. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that Mr. Kureshi, District Traffic Superintendent, Katihar, has refused to consider the question of rendering facilities to the staff for educating their children ? If so, why ?

(*b*) Will the Government be pleased to state their policy about rendering facilities to the staff for educating their children ?

Mr. A. A. L. Parsons : (*a*) Government have no information on this point.

(*b*) The policy is under consideration. It is proposed to discuss the whole question with the Central Advisory Council for Railways in the near future.

RE-EMPLOYMENT BY THE EASTERN BENGAL RAILWAY OF RETIRED RAILWAY SUBORDINATES.

233. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that the Eastern Bengal Railway Administration discharges men from active service on attaining the age of 55 years or invalids them on medical grounds ?

(*b*) If so, will the Government be pleased to state how many men of this type have been re-appointed by the said Administration in their construction work ?

(*c*) Will the Government be also pleased to state why such are re-employed in active service when they were compelled to retire ?

(*d*) Will the Government be pleased to state if any of these men are employed to work trains in the construction carrying coolies and other staff ?

(*e*) If so, will the Government be pleased to state who is responsible for accidents resulting in loss of life or serious injury to persons or heavy loss to property and whether precaution has been taken to prevent accidents ?

Mr. A. A. L. Parsons : (*a*) This is the ordinary rule.

(*b*) and (*c*). Government do not know the numbers of men over the age of 55 years, or previously discharged on medical grounds, who have been re-engaged temporarily on construction work, but it is not uncommon to fill temporary posts of this kind with experienced men of this kind when available.

(*d*) and (*e*). Government have no knowledge whether at the present time there are any men of the classes mentioned by the Honourable Member employed on working construction trains, and do not think it worth while to make enquiries on the point. They have no reason to believe that any such men would be employed unless the Railway Administration is satisfied that they can carry out their duties in accordance with the rules to which they may be required to work and without risk to safety of persons travelling in these trains.

GRANT OF LOCAL ALLOWANCES TO OFFICERS AND MINISTERIAL STAFF OF THE EASTERN BENGAL RAILWAY STATIONED IN CALCUTTA.

234. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that the Eastern Bengal Railway Administration has sanctioned local allowances to officers and ministerial staff attached to the Calcutta offices on the ground that the cost of living in Calcutta is higher than that of other stations of the Eastern Bengal Railway system ?

(*b*) If so, will the Government be pleased to state if any officer or staff other than those mentioned in question (*a*), are stationed in Calcutta ?

(*c*) If the answer to (*b*) be in the affirmative, will the Government be pleased to state what are the classes of staff stationed there and whether they have been granted such local allowances ? If not, why ?

Mr. A. A. L. Parsons : (*a*) Ministerial staff on scales of pay general on the Eastern Bengal Railway system who may be employed in offices of the Railway which are located in Calcutta are given a compensatory allowance.

Officers whose headquarters are at Calcutta also receive a compensatory allowance when certain conditions are fulfilled.

(*b*) and (*c*). I am collecting information and will communicate with the Honourable Member on receipt.

PROVISION OF QUARTERS FOR THE INDIAN GUARDS OF THE EASTERN BENGAL RAILWAY STATIONED IN CALCUTTA.

235. **Mr. Amar Nath Dutt** : Will the Government be pleased to state if it is a fact that the Eastern Bengal Railway Administration has provided a number of quarters for officers, ministerial staff, station staff, Anglo-Indian and European guards and drivers, Indian drivers and shunters stationed in Calcutta ? If so, will the Government be pleased to state whether quarters have been provided for Indian guards stationed at Calcutta and whether there were any representations from them for such quarters and what action, if any, has been taken on the same ? If not, why ?

Mr. A. A. L. Parsons : I propose to answer this and questions Nos. 237, 238 and 247 together. Government have no information in respect of these questions, but are making enquiries. Answers will be supplied to the Honourable Member in due course.

GRANT TO INDIAN GUARDS OF THE EASTERN BENGAL RAILWAY OF THE SAME FACILITIES AS EUROPEAN GUARDS.

236. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that the Indian guards stationed in Calcutta have to perform duties similar to those of Anglo-Indian and European guards and Indian drivers at all times of the year ?

(*b*) If so, will the Government be pleased to state, the reasons for not giving them the same facilities as Anglo-Indian and European guards ?

Mr. A. A. L. Parsons : (*a*) The duties of Indian guards are the same as those of Anglo-Indian and European guards, though not the same as those of Indian drivers.

(*b*) Government are not aware that Indian guards are not given the same facilities for performing their duties as Anglo-Indian and European guards.

PROVISION OF QUARTERS FOR THE STAFF OF THE EASTERN BENGAL RAILWAY STATIONED AT SANTAHAR.

†237. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that a good number of staff quarters at Santahar in the Eastern Bengal Railway were burnt down in the year 1927 ?

(*b*) If so, will the Government be pleased to state what action the Eastern Bengal Railway Administration has taken to provide accommodation for the staff, who have been suffering for want of quarters at Santahar ?

ALLOTMENT TO OTHER STAFF OF THE EASTERN BENGAL RAILWAY AT LALMANIRHAT OF THE QUARTERS BUILT FOR INDIAN GUARDS AND RAILWAY STATION MASTERS.

†238. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that quarters built for Indian guards and relieving station masters posted at Lalmanirhat have been allotted to other staff in contravention of the standing orders of the Eastern Bengal Railway Administration ?

†For answer to this question, see answer to question No. 235.

(*b*) If so, will the Government be pleased to state if the Eastern Bengal Railway authorities received any representation on the subject ?

(*c*) If so, will the Government be pleased to state what action has been taken on the representation ?

(*d*) If not, why ?

ISSUE OF A CIRCULAR BY THE DISTRICT TRAFFIC SUPERINTENDENT OF LALMANIRHAT REGARDING WORKING OF TRAINS BY SICK GUARDS.

239. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the District Traffic Superintendent of Lalmanirhat of the Eastern Bengal Railway has issued a circular to the guards working there that their interests must give way to the interests of the service and that they must not report sick at the last moment to avoid going out with a train ?

(*b*) Will the Government be pleased to state if they require a train to be worked by a guard who has actually got high fever or attacked with diseases which are beyond one's control and which makes a man quite unfit to leave his bed through sickness ?

Mr. A. A. L. Parsons : (*a*) Government have no information.

(*b*) No.

GRANT OF ALLOWANCES TO THE CLERKS OF THE DISTRICT OFFICERS OF THE EASTERN BENGAL RAILWAY FOR SUNDAY AND HOLIDAY WORK.

240. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that the clerks of the District Offices of the Eastern Bengal Railway are made to work on Sundays and holidays ?

(*b*) If so, will the Government be pleased to state, whether they are paid any extra allowances for working on Sundays and holidays ?

(*c*) If not, do Government propose to close the offices according to the Negotiable Instruments Act ?

(*d*) If not, why ?

Mr. A. A. L. Parsons : (*a*) Clerks, whose duties are specifically connected with the running of trains, are required to work on Sundays and holidays, and other clerks may be required to do so when a breakdown occurs, or when shops are working on Sundays or holidays. Clerks may also be required to work on these days when there are arrears of work.

(*b*) In Calcutta gharry hire is allowed when overtime is worked.

(*c*) and (*d*). No. This would involve stopping train services.

HEAD PASSENGER SUPERINTENDENTS ON THE EASTERN BENGAL RAILWAY.

241. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state, if it is a fact that the Eastern Bengal Railway authorities has recently created two posts of Head Passenger Superintendents to be recruited from Indians ?

(*b*) If so, will the Government be pleased to state if the vacancies were advertised to get deserving candidates ?

(*c*) If not, will the Government be pleased to state what procedure was adopted in the above cases by the Selection Board of the Traffic Department to select men for such posts ?

(*d*) Will the Government be pleased to state, if it is a fact that the chief clerks of Katihar and Lalmanirhat District Offices were recommended by their respective officers for appointment as Head Passenger Superintendents ?

(*e*) If so, will the Government be pleased to state whether it is a fact that both the chief clerks mentioned above were rejected and that the same District Officers were asked by the Selection Board to send suitable candidates for such posts ?

(*f*) If so, will the Government be pleased to state whether there were deserving candidates with requisite qualifications for such posts ?

(*g*) Will the Government be pleased to state if it is a fact, that the Traffic Manager received appeals from candidates who applied for such posts against the decision of the District Officers ? If so, what action, if any, was taken on these appeals ?

(*h*) Is it a fact that the District Officers were requested to nominate candidates from Anglo-Indians to fill up such vacancies ? If so, why ?

Mr. A. A. L. Parsons : Enquiries are being made from the Agent, Eastern Bengal Railway, and I will communicate with the Honourable Member when I have received his reply.

GRANT OF LEAVE WITH PAY TO COOKS AND SERVANTS EMPLOYED IN THE GUARDS' RUNNING ROOMS ON THE EASTERN BENGAL RAILWAY.

242. **Mr. Amar Nath Dutt** : Is it a fact that cooks and servants employed in the guards' running rooms on the Eastern Bengal Railway are not allowed any leave with pay ? If so, why ?

Mr. A. A. L. Parsons : At present running room cooks and servants are allowed sick leave on half average pay for sixty days in a year. Government understand that the rules are under revision.

ALLEGED TRESPASS INTO THE HOUSE OF ONE ROY, A TRAINS CLERK AT FULCHARI, ON THE EASTERN BENGAL RAILWAY.

243. **Mr. Amar Nath Dutt** : Is it a fact that there was a trespass into the house of trains clerk Roy while he was away on duty leaving his wife alone in the house at Fulchari, Eastern Bengal Railway, and on the raising of a hue and cry by the wife, the trespasser left and was noticed by the neighbours ? If so, was the trespasser an employee of the Eastern Bengal Railway and what action has been taken in the matter ?

Mr. A. A. L. Parsons : Government have no information. The trains clerk can presumably take any legal remedy open to him.

RAISING OF THE PAY AND RETIRING GRATUITY OF MINISTERIAL OFFICERS OF THE EASTERN BENGAL RAILWAY.

244. **Mr. Amar Nath Dutt** : With reference to the reply given to question No. 564 in the last Session of the Assembly, will the Government be pleased to state the reasons for not raising the pay and retiring gratuity of the ministerial officers of the Eastern Bengal Railway, as also the reasons for not taking any action on the report of the Committee of the Eastern Bengal Railway Indian Employees' Association as stated in the reply ?

Mr. A. A. L. Parsons : It is for the Agent of the Railway to initiate such proposals and to deal with the report of the Committee. It is for this reason that the Railway Board did not take up the question.

GRANT OF INCREASED PAY TO THE SUBORDINATE STAFF OF THE EASTERN BENGAL RAILWAY.

245. **Mr. Amar Nath Dutt** : Is it a fact that the Railway Board has sanctioned the increase of pay of a class of staff of the Traffic Department of the Eastern Bengal Railway, on the recommendation of the Traffic Manager of the Eastern Bengal Railway, on the ground of economic distress ? If so, will the Government be pleased to state why the same increment has not been granted to the other classes of the subordinate staff of the Eastern Bengal Railway ?

Mr. A. A. L. Parsons : The Railway Board have sanctioned proposals which were put before them last June by the Agent of the Eastern Bengal Railway for raising the pay of certain classes of the subordinate staff on his railway where, after investigation, he came to the conclusion that the previous scales of pay were not sufficiently attractive to secure the proper type of recruit. They gave their sanction to the proposals which the Agent put before them, because they consider that in these cases the Agent had shown that the existing rates of pay were not sufficiently attractive to procure suitable recruits, and in certain cases did not allow sufficient improvement on promotion to definitely more responsible positions.

GRANT OF MILEAGE ALLOWANCE TO THE TRAVELLING TICKET INSPECTORS OF THE EASTERN BENGAL RAILWAY.

246. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that the Travelling Ticket Inspectors employed in the Eastern Bengal Railway were receiving mileage allowance like that of other running staff employed in the Traffic Department of the same Railway ?

(*b*) If so, will the Government be pleased to state if they are at present performing the same nature of duty as before ?

(*c*) If so, will the Government be pleased to state, whether they are similarly treated in the matter of mileage allowance as before ?

(*d*) Will the Government be pleased to state if it is a fact that the Travelling Ticket Inspectors employed in the State Railways are considered as running staff in all respects.

(*e*) If so, will the Government be pleased to state why the Travelling Ticket Inspectors employed in the Eastern Bengal Railway are not equally treated and granted mileage allowance ?

(*f*) Is it a fact that the Travelling Ticket Inspectors of the Eastern Bengal Railway submitted representations to the Chief Auditor of the same Railway regarding granting mileage allowance to them ? If so, what action has been taken on the representations ?

Mr. A. A. L. Parsons : I am collecting the information and will communicate with the Honourable Member when it is received.

PROVISION OF QUARTERS FOR THE TRAVELLING TICKET INSPECTORS OF THE EASTERN BENGAL RAILWAY.

†247. **Mr. Amar Nath Dutt**: (*a*) Is it a fact that the Travelling Ticket Inspectors employed in the Eastern Bengal Railway have been suffering for want of quarters for a long time and that they made several representations to the authorities ? If so, what action, if any, has been taken on the representations ?

PROVISION OF TWO SWIMMING BATHS FOR THE EUROPEAN AND ANGLO-INDIAN EMPLOYEES OF THE EASTERN BENGAL RAILWAY AT PAKSEY AND SAIDPUR.

248. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the Eastern Bengal Railway Administration has recently provided two swimming baths, one at Paksey and the other at Saidpur, at a considerable cost to provide amenities for a few European and Anglo-Indian employees stationed at these two stations ?

(*b*) Is it also a fact that due to paucity of funds adequate arrangements could not be made for the supply of pure drinking water to the staff posted at many road stations of the Eastern Bengal Railway ?

(*c*) If the replies to items (*a*) and (*b*) be in the affirmative, will the Government be pleased to say why money was spent in providing swimming baths for the benefit of a few in preference to a vast number of the Indian employees who are in difficulty for want of or for inadequate arrangements for the supply of pure drinking water ?

Mr. A. A. L. Parsons : (*a*) No. The swimming bath at Paksey was built from the funds of the Officers' Club, and that at Saidpur from the funds of the Institute.

(*b*) No. For the past three years a programme of tube well sinking has been in operation. But in a number of instances these tube wells have failed to produce water of satisfactory quality.

(*c*) Does not arise.

INDEBTEDNESS OF THE SUBORDINATE STAFF OF THE EASTERN BENGAL RAILWAY.

249. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the subordinates of the Eastern Bengal Railway are constantly borrowing money from the Eastern Bengal Railway Co-operative Credit Society and most of them are also having recourse to temporary withdrawals of Provident Fund money ? If so, are these due to economic distress and sickness of the subordinate staff of the Eastern Bengal Railway ?

(*b*) If the reply be in the affirmative, will the Government be pleased to state, what action, if any, they propose to take to relieve the distress ?

Mr. A. A. L. Parsons : I am collecting information and will communicate with the Honourable Member when it is received.

†For answer to this question, see answer to question No. 235.

INSECURITY OF SERVICE OF THE SUBORDINATE STAFF OF THE EASTERN BENGAL RAILWAY.

250. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state the reasons which led them to amend the words " on reduction of establishment " in Annexure "A" in paragraph 298, Note No. 1, Chap. IV of State Railway Open Line Code, Vol. II, by the substitution of the words " in accordance with the terms of his agreement ", as also to restrict the scope of appeals from subordinate railway employees, by Standing Order No. 610, dated 4th August, 1919 ?

(*b*) Will the Government be also pleased to state if it is a fact that the agreement which each subordinate railway employee is required to sign in token of his acceptance on first appointment contains a clause, that his services are liable to be dispensed with at any time on a month's notice or on a month's pay in lieu thereof ?

(*c*) Is it a fact that under the amendment of the code rule, *vide* (*a*) above and under the clause in service agreement, *vide* (*b*) above, the Eastern Bengal Railway Administration has of late discharged some employees against whom no dereliction of duties were brought home and that due to the operation of the amended code rule some employees, having less than 15 years' service at their credit have been deprived of the gratuity in terms of Annexure B, Rule 3 (II) (*d*) of gratuity rules, thus causing extra hardships to these employees ?

(*d*) Is it also a fact that Annexure A, Rule 5 of paragraph 298 of State Railway Open Line Code, Vol. II, very seldom, if ever, is applied by the Eastern Bengal Railway Administration when considering cases of discharge ?

(*e*) If the replies to items (*b*) to (*d*) be in the affirmative, will the Government be pleased to say what steps, if any, the Government propose to take in this matter to safeguard the interests of the railway employees against insecurity of service ?

Mr. A. A. L. Parsons : (*a*) As originally drafted, the paragraph of the State Railway Open Line Code, to which the Honourable Member refers, was based on a decision reached by the Government of India in 1888, but did not correctly interpret that decision, for it was not even then the intention that non-pensionable railway servants, who, under the terms of their service, were liable to discharge at one month's notice, should have any right of appeal unless dismissed summarily and without one month's pay. The matter was reviewed in 1919 as the practice of appealing to one authority after another against discharge in cases in which there was no violation of the terms of service had grown to such an extent, owing to the incorrect drafting of the paragraph, as to re-act seriously on the efficiency of railway working. It was then decided that, in order to prevent the power to discharge being exercised unfairly, a railway servant, discharged in accordance with the terms of his service, should be permitted to appeal to the authority immediately superior to the authority issuing the order of discharge.

(*b*) Yes.

(*c*) Government are not aware whether the Eastern Bengal Railway Administration has recently found it necessary to discharge any employés,

not for any fault but because of a reduction in establishment. But, if so, under rule 3 (II) (*d*) of the gratuity rules they would be eligible for gratuity on abolition of appointment provided their service has been continuous, good, efficient, and faithful.

(*d*) The general rule to which the Honourable Member refers applied to the Eastern Bengal Railway Administration, and Government have no reason to suppose that it is not followed.

(*e*) Does not arise.

PROVISION OF A REST HOUSE AT KURSEONG FOR THE INDIAN SUBORDINATE STAFF OF THE EASTERN BENGAL RAILWAY.

251. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that two villas at Kurseong were purchased for the use of officers and subordinates of the Eastern Bengal Railway ?

(*b*) Is it a fact that the villa intended for the subordinate staff has been converted in such a manner that it can be used by Anglo-Indians only and the same is not fit for Indian subordinates ? If so, will the Government be pleased to state if the Indian subordinates have any such rest house ? If not why ?

Mr. A. A. L. Parsons : (*a*) Yes.

(*b*) No alterations have been made in the villa used by the subordinate staff since purchase to adapt it for the use of Anglo-Indians or any other community. There is no rest house in the hills specially adapted to the Indian style of living, and hitherto very few requests for such a rest house have been received by the Agent.

RESERVATION FOR ANGLO-INDIANS OF THE POSTS OF CREW INSPECTORS ON THE EASTERN BENGAL RAILWAY.

252. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that recently there were some vacancies in the post of Crew Inspectors under the Traffic Department of the Eastern Bengal Railway and some Indians applied for these vacancies ? Is it a fact that the Deputy Traffic Manager, Eastern Bengal Railway, passed an order on the file to the effect " These posts are intended for Anglo-Indians only " ?

(*b*) Will the Government be pleased to state whether there was such order for reserving Crew Inspectorships for Anglo-Indians only on the Eastern Bengal Railway ? If so, why ?

(*c*) If the answer to (*b*) be in the negative will the Government be pleased to state, what action has been taken on the order of the Deputy Traffic Manager, Eastern Bengal Railway, referred to in (*a*) ?

Mr. A. A. L. Parsons : Enquiries are being made from the Agent, Eastern Bengal Railway, and I will communicate with the Honourable Member when I have received his reply.

GRANT OF INCREASED PAY TO THE INDIAN SUBORDINATES OF THE EASTERN BENGAL RAILWAY.

253. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state if it is a fact that Indian subordinate employees of the Eastern Bengal Railway of all ranks and grades have, of late, submitted memorials to the Agent, Eastern Bengal Railway, for increase of pay on account of economic distress ?

(*b*) What action, if any, has been taken by the Agent, Eastern Bengal Railway, on the majority of the memorials ?

(*c*) If no action has as yet been taken, will the Government be pleased to state the reasons ?

Mr. A. A. L. Parsons : (*a*) Memorials have been submitted by certain classes.

(*b*) As explained in the reply to the Honourable Member's unstarred question No. 245. The Agent has already submitted proposals, which have been sanctioned, with regard to certain classes of the subordinate staff, and Government understand that he is investigating the position with regard to certain other classes.

(*c*) Does not arise.

SUPPLY TO THE LIBRARY OF THE LEGISLATIVE ASSEMBLY OF THE RAILWAY ACCOUNT AND AUDIT CODE.

254. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that there is no copy of the Railway Account and Audit Code in the Legislative Assembly Library ?

(*b*) Is it a fact that the same Code has been referred to in interpellations in the Assembly ?

(*c*) If the answer to (*a*) be in the affirmative, will Government be pleased to state the reasons for not placing the book in the Library ?

(*d*) Is there any objection to place the book in the Library ? If so, what are the reasons ?

Mr. L. Graham : (*a*) and (*b*). Yes.

(*c*) and (*d*). Arrangements are being made to place the book in the Library.

PROVISION OF A LIGHT ON THE VERANDAH OF COTTAGE NO. 28 IN LONGWOOD.

255. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that there is no light on the verandah of cottage No. 28 in Longwood ?

(*b*) Was there any complaint from Members of the Assembly occupying cottage No. 28 regarding want of light last year and this year ?

(*c*) Has any step been taken to have a light on the verandah of cottage No. 28 ? If not, why ?

The Honourable Mr. A. C. McWatters : (*a*) There is no electric light in the covered passage leading to the entrance.

(*b*) The tenant made a complaint last year and a complaint was made this year by the Honourable Member who has put this question.

(*c*) No, mainly because it is not possible to secure municipal sanction to more than a limited number of new electric light points.

NUMBER OF INDIAN TRAFFIC INSPECTORS RECRUITED SINCE 1924 BY THE VARIOUS STATE RAILWAYS.

256. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state the mode of recruitment of Traffic Inspectors on State Railways ?

(*b*) Will the Government be pleased to state the number of Indian Traffic Inspectors recruited since 1924 in the various State Railways and the number of Anglo-Indians ?

Mr. A. A. L. Parsons : (*a*) I would refer the Honourable Member to the reply given to his starred question No. 572 on the 2nd September, 1926.

(*b*) Government are not in possession of information as to the number of Traffic Inspectors recruited since 1924, and they regret they are not prepared to supplement the statistics of communal representation given in the annual reports of the Railway Board on Indian Railways by figures for particular branches or offices.

NUMBER OF BENGALI CLERKS RECRUITED SINCE 1925 BY THE RAILWAY BOARD.

257. **Mr. Amar Nath Dutt** : (*a*) Will the Government be pleased to state the various grades of the clerical services under the Railway Board and the mode of recruitment for the same ?

(*b*) Will the Government be pleased to state the number of Bengali clerks recruited since 1925 by the Railway Board ?

Mr. A. A. L. Parsons :

	Old Scale.	*New Scale.*
	Rs.	Rs.
(*a*) Superintendents	600—40—800	550—30—700
Assistants, Dn. I ..	200—15—365—500	180—15—450
Assistants, Dn. I ..	*375—25—500	..
Clerks, Dn. II	100—8—300	100—8—260
Clerks, Dn. II	*300—25—350	..
Clerks, Dn. III	100—8—156	75—5—150
Stenographers‡	175—9—400	150—10—300

*Upper time scale to 15 per cent.

†Special grade to 10 per cent.

‡Plus Rs. 50 to stenographers attached to the Members and Secretary, Railway Board.

The method of recruitment is as follows :

(*i*) From the staff employed on railways.

(*ii*) From candidates who have passed the Imperial Secretariat Examination held by the Public Service Commission.

(*iii*) From a selected list of applications received in this office.

(*b*) Four.

LOSS SUSTAINED BY THE GOVERNMENT OF INDIA ON THE WORKING OF THE ARMY CANTEEN BOARD.

258. **Khan Bahadur Sarfaraz Hussain Khan** : (*a*) Has the attention of Government been drawn to the paragraph published in the issue of the *Statesman* of the 19th August, 1928, page 12, under the heading " Rs. 37 lakhs loss to Government—Army Canteen " ?

(*b*) If so, will Government please state if the statement made therein that " a net loss of Rs. 37 lakhs has been sustained by the Government of India on the transactions of the Army Canteen Board " is correct ?

(*c*) If correct, will they please state what are the causes of this great loss ?

(*d*) If any person or number of persons have been found guilty of causing or of being instrumental in causing the loss, will Government please state if any action has been taken against him or them ?

(*e*) If so, will they please state what action has been taken ?

Mr. G. M. Young : (*a*) and (*b*). The answer is in the affirmative.

(*c*) The causes of the failure of the Army Canteen Board are examined in paragraphs 7 (*b*) and (*c*) and 8—13 of the report submitted by the Currie-Sethna Committee in February 1926. A copy of the report will be found in the Library of the Assembly. The main cause of the failure, in the opinion of the Government of India, was the inefficiency of the Controller of the Board.

(*d*) and (*e*). The Honourable Member is referred to the statements laid on the table in answer to unstarred question No. 31 and starred question No. 715, dated the 22nd January, and 7th September, 1925, respectively.

CONTINUANCE OF THE REMISSION OF TERMS ALLOWED BY THE INNS OF COURT TO VAKILS OF INDIAN HIGH COURTS TO QUALIFY AS BARRISTERS.

259. **Mr. Amar Nath Dutt** : (*a*) Is it a fact that the remission of terms allowed to vakils of Indian High Courts by the Inns of Court in England to qualify as Barristers-at-Law is proposed to be withdrawn from 1929 ?

(*b*) Will the Government be pleased to state if they protested against the proposal ?

(*c*) Do the Government propose to take steps so that the remission of terms may be continued as before or at least for three years more ?

The Honourable Mr. J. Crerar : (*a*) The Government of India have no information.

(*b*) The regulations are entirely within the competence of the Inns of Court and the Government of India are not consulted before they are framed.

(*c*) On the information conveyed in these questions, which is all I have, the question appears to be one more for the Bar Associations in this country to consider than for Government.

VARIOUS GRADES OF CLERKS EMPLOYED UNDER THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS.

260. **Mr. Amar Nath Dutt** : Will the Government be pleased to state what are the various grades of clerks employed under the Director-General of Posts and Telegraphs and the mode of recruitment ?

Mr. P. G. Rogers : It is presumed that the Honourable Member refers to the office of the Director-General of Posts and Telegraphs only. The following are the grades of clerks :

Designations.	*Scales.*
Chief Superintendent ..	Rs. 550—40—750.
Budget Superintendent ..	Rs. 500—25—700.
Superintendents ..	Rs. 300—20—500.
Personal Clerk to D. G. ..	Rs. 300—20—500.
2 Budget Assistants ..	Rs. 300—20—500.
1st Division Clerks ..	Rs. 100—6—160—10—300 with efficiency bars at Rs. 150 and Rs. 180.
2nd Division Clerks ..	Rs. 55—5—155 with efficiency bars at Rs. 80 and Rs. 117.
2 Selection grade posts in the 2nd Division	Rs. 150—10—200.

Recruitment for the 1st Division and the 2nd Division clerks is usually made from persons who have passed the Staff Selection Board Examination. The other appointments are selection appointments and are made by promotion.

PAY AND PROSPECTS OF THE SUBORDINATE STAFF EMPLOYED UNDER THE DIRECTOR OF ARMY AUDIT.

261. **Mr. Amar Nath Dutt** : Will the Government be pleased to state how the subordinate staff under the Director of Army Audit is recruited and their pay and prospects ?

The Honourable Sir Bhupendra Nath Mitra : I place on the table a statement showing the rates of pay of the subordinate staff under the Director of Army Audit. Clerks are eligible for promotion to the grade of Accountants after passing the Subordinate Account's Service Examination and selected Accountants are appointed as Assistant Accounts Officers.

Clerks are generally recruited by selection from outside. At times, however, to meet the requirements of a newly created Department experienced clerks are taken from other accounts offices.

Statement showing the rates of pay of the subordinate staff under the Director of Army Audit :

Assistant Accounts Officers.—Rs. 660—40—900.

Accountants.—Rs. 240—20—360—30—600—50/2—650. (Bar at Rs. 420).

Clerks.—Rs. 70—7—140—6—230. (Bars at Rs. 140 and Rs. 170).

For Assistant Accounts Officers and Accountants joining after the 1st July, 1928, the following rates have been sanctioned :

Assistant Accounts Officers.—Rs. 500—35—850, *plus* special pay of Rs. 50 to the Assistant Accounts Officer employed at the headquarters of the office of the Director.

Accountants.—Rs. 200—20—360—30—600. (Bar at Rs. 360).

PUBLICATION OF A HAND-BOOK SHOWING THE MODE OF RECRUITMENT TO THE VARIOUS SUBORDINATE SERVICES UNDER THE GOVERNMENT OF INDIA.

262. **Mr. Amar Nath Dutt** : Has the Government published any handbook for public information of the mode of recruitment to the various subordinate services under the Government of India ? If not, do the Government propose to do so ? If not, why ?

The Honourable Mr. J. Crerar : I would refer the Honourable Member to the answer given by my predecessor on the 7th February, 1927, to a question put by Kumar Ganganand Sinha on the same subject.

GRANT OF INCREMENTS TO CERTAIN 2ND DIVISION CLERKS IN THE ARMY DEPARTMENT.

263. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that in 1924 some clerks in the Army Department who were qualified for the 2nd Division were confirmed in the 3rd Division for want of vacancies in the 2nd Division ?

(*b*) Is it a fact that these men were given increments at the rate of 3rd Division for their temporary service of 4 or 5 years in the 2nd Division which they had put in before confirmation ? If so, why ?

(*c*) Is it a fact that these men have always been doing 2nd Division work and have been promoted to the 2nd Division with effect from the 1st April 1928 ?

(*d*) Will the Government please state why increments at the rate of 2nd Division for their temporary service in that Division before confirmation were not given ?

Mr. G. M. Young : (*a*) Up to the 1st June, 1924, there were only two divisions in the Secretariats and all clerks not in the First Division were classed as members of the Second Division, including those engaged on, and fit for nothing else but, routine duties. The latter were placed below the efficiency bar of the Second Division. After the 1st June, 1924, a Third Division was constituted for those performing routine duties. The Army Department had a temporary establishment of men qualified under the old conditions for the Second Division and these included the men now in question. Two of the posts held by these men were made permanent in the Second Division in October, 1924, but the remainder had to go into the new Third Division and continued to do the routine work on which they had previously been employed. There they remained until they were fit to be promoted and vacancies occurred.

(*b*) Yes, but as I have explained, the duties of the present Third Division were previously those of the Second Division below the efficiency bar. The men placed in the Third Division had, before confirmation, held temporary posts on fixed non-progressive rates well below the efficiency bar of the Second Division. They were performing work of no higher character than that performed by men who had not qualified for the Second Division. Therefore, on confirmation, they received the increments prescribed for the lowest Division.

(*c*) The answer to the first part of the question, if it refers to the Second Division as now constituted, is in the negative. The answer to the second part is in the affirmative.

(*d*) For the reasons given at (*b*).

CROSSING OF THE EFFICIENCY BAR IN THE 2ND DIVISION BY DESPATCHERS AND TYPISTS IN THE ARMY DEPARTMENT.

264. **Mr. Satyendra Chandra Mitra** : (*a*) Is it a fact that under existing rules despatchers and typists are not allowed to cross the efficiency bar at Rs. 172 in the 2nd Division ? Is this rule observed in the Army Department Secretariat ? If not, why ?

(*b*) Is it a fact that there are certain clerks in the Army Department Secretariat who have passed the Staff Selection Board's test as typists only, but who have been allowed to cross the efficiency bar ? If so, why ?

(*c*) Is it a fact that some permanent clerks in the Home and other Departments who were working as typists or despatchers were fixed in the 3rd Division on the introduction of that Division ? If so, why has this not been done in the Army Department ?

(*d*) Do the Government propose to bring down to the 3rd Division those clerks in the Army and other Departments who are ineligible to cross the efficiency bar in the 2nd Division under the rule alluded to and to reduce their pay to Rs. 170 *plus* a personal allowance of Rs. 2 a month ?

Mr. G. M. Young : (*a*) Yes, but clerks already in permanent service before June, 1924, who were recruited for the 2nd Division, are allowed under the same rule to cross the efficiency bar, if they are found capable of performing duties not merely of a routine nature. The rule is observed in the Army Department Secretariat.

(*b*) There is one such clerk, who has been allowed to cross the efficiency bar under the proviso to the rule referred to in part (*a*) of this question.

(*c*) As regards the Home Department, 6 clerks who were made permanent in the 2nd Division with effect from 1st April, 1924, were transferred to the 3rd Division ; but they were warned at the time of their confirmation that they might be relegated to the 3rd Division on its formation. In the Army Department, there were no clerks who were similarly circumstanced. Enquiry is being made from other Departments, and the result will be communicated to the Honourable Member in due course.

(*d*) No, Sir. There are no clerks in the Army and the Home Departments who have crossed the efficiency bar of the 2nd Division other than those eligible and deemed fit to do so. As regards other Departments, enquiry is being made, and the result will be communicated to the Honourable Member in due course.

INTRODUCTION OF A LEAVE RESERVE IN THE ARMY DEPARTMENT.

265. **Mr. Satyendra Chandra Mitra** : (*a*) Are the Government aware that a "Leave Reserve" has not yet been introduced in the Army Department Secretariat ? If not, why ?

(*b*) Is it a fact that there are several officiating clerks in the Army Department who are awaiting confirmation on the introduction of the leave reserve in that Department ?

(*c*) Will the Government be pleased to state when it is likely to introduce the leave reserve in the Army Department ?

Mr. G. M. Young : (*a*) Yes, because the permanent strength of the clerical establishment is still subject to review.

(*b*) No, Sir, officiating clerks are employed in leave vacancies and their services are liable to be terminated at any moment. This is made plain to them on engagement, and there is no undertaking that they will be made permanent.

(*c*) I am afraid I am not in a position to say.

MOTION FOR ADJOURNMENT.

ATTACK ON THE PRESIDENT OF THE LEGISLATIVE ASSEMBLY BY THE "TIMES OF INDIA".

Mr. Gaya Prasad Singh (Muzaffarpur *cum* Champaran: Non-Muhammadan) : Sir, I beg to move an adjournment of the House.....

Mr. President : The Honourable Member cannot move the adjournment of the House unless he obtains leave to do so

Mr. Gaya Prasad Singh : I beg your pardon, Sir. I ask for leave to move an adjournment of the House to discuss a definite matter of urgent public importance, namely, an unjust, unworthy and undignified and deliberately malicious attack on the President of the House by the *Times of India*, regardless of all sense of decency and decorum, and containing aspersions and sneers reflecting on the conduct of the President, and calculated to lower the dignity and honour of the Chair and of the House.

Sir, Honourable Members must have read with pain and surprise the undignified attack made upon you, Sir, as the President of the House, and which reflects upon the dignity of this House as well.

Mr. K. Ahmed (Rajshahi Division: Muhammadan Rural): What are you for ? It is your public duty.

Mr. Gaya Prasad Singh : Under rule 11, Sir, a motion for an adjournment of the business of the Assembly for the purpose of discussing a definite matter of urgent public importance may be made with the consent of the President. I beg to submit that this is a matter of public importance, and of sufficient public importance to justify an adjournment of the House; and it is also a definite matter, as it arises out of the scurrilous attack made by the *Times of India* in its issue of the 24th August. It is also a matter of urgency because the longer this matter is delayed, I feel, Sir, that the dignity of the Chair as well as the honour of this House is being compromised: and I therefore under the circumstances feel that this is a case in which you should permit leave to move an adjournment of the House. I can quite realize the delicacy of your position, Sir, in this matter, because you have yourself been the subject of the attack: but we feel, Sir, that apart from your position as the Honourable President of this House and the custodian of our rights and privileges, our position and dignity as Members of the House have been compromised by this cowardly and unworthy attack.

Munshi Iswar Saran (Lucknow Division : Non-Muhammadan Rural) : Sir, my Honourable friend, Mr. Gaya Prasad Singh, in order to obtain your consent has to satisfy you that this matter to which reference has been made is a definite matter. Then he has to satisfy you that it is

[Munshi Iswar Saran.]

a matter of public importance; and the third condition is that it is a matter of urgent public importance. If he succeeds in satisfying all these three conditions, I submit with great respect that you may be pleased to grant him the permission that he prays for.

Sir, I do not agree with my Honourable friend that you will feel any delicacy in this matter because I believe that in deciding this matter you will forget that you are occupying the Chair at the present moment. You will only consider the impersonal aspect of the case. What you will consider is,—here is the Legislative Assembly and here is the President of that Assembly who has been attacked in this particular manner by a certain paper which I shall not honour by naming in this House.

Now, that the matter is definite no one could object to. Here is the article itself which contains most objectionable statements. What does the article say? I am not reading it, it is not necessary to read it, but you cannot satisfy the Chair unless you bring to the notice of the Chair the allegations, the very serious allegations that have been made. Now, the President has been accused of gadding about. English is not my mother tongue and I, therefore, Sir, took the trouble of consulting Webster's Dictionary, and I find there "gadding" means going about much needlessly or without purpose.

Mr. K. Ahmed: What dictionary?

Munshi Iswar Saran: Webster's Dictionary. Do me, Sir, the honour of listening to me. What I submit, Sir, is this. Here a paper has the impudence to suggest that the President of the Legislative Assembly in his capacity, pray remember, as the President goes about much needlessly or without purpose. I say, Sir, it has not only insulted the President but also the House of which he is the President.

Sir, after this point, the next point is, is the matter of public importance? Well, Sir, this Assembly in some perorations has been called India's Parliament. Well, let us take it as India's Parliament. Then, what does it come to? India's Parliament and the President of India's Parliament have been insulted and abused and attacked in a wholly unfair and malicious manner. Is this or is this not then a matter of public importance?

Then the third question would arise, is it urgent? I say, Sir, it is most urgent, for the reason that this House owes it to itself and owes it to its President not to allow this insult to remain without a challenge. It is up to us to resent, to repudiate the insult that has been offered to this House and I shall go the length of suggesting that we should take such steps and we should expect you, Sir, to take such steps as may be necessary in order to stop such attacks in the future. Of course it is hardly necessary to observe that I do not complain against just and legitimate criticism. I therefore submit that leave to make this motion should be granted.

There is one other matter to which I shall refer. I wish to warn my friends that I do not wish to go into the merits of the question at all. I wish only to say that the matter would not have been urgent if Government had taken advantage of their Publicity Department and had at once repudiated the statements and insinuations that were made in this article. (*Cries of* "Hear, hear".) If they had ata once said: "We resent such criticism, we repudiate the suggestions, we do not, cannot and will not countenance

articles such as the one in question," then it might perhaps have been open to some one to say that this was not a matter of urgent public importance. On the very first day that we meet after this attack, if Government have not taken that step it is up to us to take that step.

The House will be pleased to remember that in the year 1926 certain statements were made by a certain newspaper as regards your ruling in a certain matter. I do not wish to rake up that controversy; but this is what the late lamented Sir Alexander Muddiman in his capacity as the Leader of the House said at once:

"I may tell the House that I have read certain observations which might be construed as a reflection against the Chair. I dissociate myself entirely from that view. May I assure you that we are fully satisfied that the rulings of the Chair are based on the principles that have always been, and I trust will always be, the basis of the rulings of the Chair."

The reason why I have invited the attention of the House to this statement made by the Leader of the House is that the moment it came to the knowledge of the Leader of the House, the Leader of the House rose in his place in this House and repudiated the suggestion that was contained in that article. If that course had been followed in this case, Sir, I repeat that this motion might perhaps have been open to the argument that there was no urgency about it.

Sir, let me make it perfectly clear. The personality of the President of the Legislative Assembly does not matter. If Mr. Patel had been attacked it would have been the concern of Mr. Patel and his friends and co-workers. But if the President of the Legislative Assembly has been insulted it becomes the concern not only of the non-official Members of this House but also of the official Members, because the Assembly is made up of official and non-official Members, and it is up to both of them with one voice to repudiate publicly and emphatically the most objectionable statements that are contained in the article.

A word more, Sir, and I have done. The writer has drawn a comparison between the present President and the past President: with that I am not concerned—but what he says is:

"But that he should presume to go about advising them in reference to their duties is another matter; and if it is not such presumption which takes him on tour for what purpose does he go? Is it politics?"

Now, Sir, what is the insinuation? The insinuation is that the President of the Legislative Assembly abuses his position, abuses his rights and abuses his privileges and goes about discussing politics or preaching politics.

"If it one of those conventions he pretends to make?"

Now, Sir, comes the last suggestion and it is the most disgraceful of all.

"Is it merely a way of getting rid of that money with which he likes to be ostentatiously magnificent?"

I submit, Sir, irrespective of the personality of the President, such vile and vicious attacks would have been resented by the whole House. But in this case the resentment is greater, the indignation is deeper, because the present occupant of the Chair happens to have our respect, our admiration, our esteem and our confidence. (Applause.)

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions: Muhammadan Rural): Sir, after the speeches of my friend the Mover

[Maulvi Muhammad Yakub.]

of this motion and my friend Munshi Iswar Saran there is hardly anything for me to add about this motion being in order. It has been clearly shown that the matter is urgent, that it is a definite matter and that it is of public importance. We all know that the high esteem and confidence which our President enjoys throughout the whole country needs no demonstration. At the close of the last Session the eloquent encomiums which were showered upon him both by the official and non-official Members of this House, and the manner in which he was re-elected a Member and also as President of this House, fully demonstrate the confidence which the country reposes in him. The mischievous and cowardly attack of an Anglo-Indian paper, which very often takes a prominent part in widening the gulf between Indians and Englishmen, has certainly wounded the feelings of not only the Members of this House but of the people of the country at large. Therefore, I say it is a matter of general interest that the conduct of such a paper should be condemned by this House. I hope, Sir, that your sense of modesty will not overcome your sense of duty as the custodian of the honour of this House. I can only add, Sir, that I wish that your Deputy President could have been in the Chair on this occasion.

Mr. President : I take it that the Government have nothing to say on this?

The Honourable Mr J. Crerar (Leader of the House) : I have only one word to say. I understand that the purpose of a motion for the adjournment of this House is ordinarily to discuss a matter of policy for which the Government is responsible. Government must of course repudiate any responsibility whatever for this article. If I might hazard a suggestion, I venture to think that you, Sir, are perfectly able to maintain and preserve the dignity of your office. I have no further remarks to make and I leave the matter entirely in your hands.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : It is not clear whether the Government is identified with this article.

The Honourable Mr. J. Crerar : I expressly said that the Government entirely disavowed any responsibility for it whatsoever.

Mr. President : This is one of those matters in which the President and the House are apt to go wrong if they permit themselves to be moved by indignation at the nature and character of the attack. I am grateful to the Honourable Member for giving me 24 hours' notice. That has enabled me to look into the Parliamentary procedure and precedents and give my considered decision. I have no doubt whatever that the matter proposed to be discussed is a definite matter : I have also no doubt that the matter is urgent, and it is quite clear that the matter is of public importance. But that is not all. Because the matter proposed to be discussed is a definite matter of urgent public importance the President is not bound as a matter of course to rule the motion in order. Honourable Members will find that the Standing Order 11 gives wide discretionary power to the President to admit or disallow a motion for adjournment. A matter may be urgent, it may be definite, it may be of public importance, and yet the President may in a proper case disallow such a motion.

Now, in this particular case, I have, as I have already pointed out to the House, looked up Parliamentary procedure and precedents and I have come to this conclusion. Generally speaking, motions for adjournment under Standing Order 11 must have relation, directly or indirectly, to the conduct or default on the part of Government and must be in the nature of criticism of the action of Government. I am quite clear about that, and I am supported by the Parliamentary precedents in that respect. It is not necessary for me to quote those precedents at all, but just for the information of the House I should like to mention one case in which a Member obtained leave in the House of Commons to move an adjournment of the House for the purpose of discussing a definite matter of urgent public importance, namely, " the articles of a scandalous nature which have appeared in the *Daily Mail* and other papers relating to the conduct of certain Members of this House." We are dealing with a case in which there is an attack against the President ; that was a case in which there was an attack against Members of the House. Now, when the business under discussion at a quarter past eight was postponed, the Speaker said :

" The House is aware that we have fixed 8-15 for discussion of the motion, that the Honourable and gallant Member for Finsbury has been given leave to move. The leave was given. But on reflection I think I ought to inform the House that I have come to the opinion that I was wrong in accepting that motion. When the Honourable and gallant Member rose to ask for leave to move the adjournment, I considered in my mind the points which were involved in Standing Order 10, namely, whether the motion was for the purpose of expressing a definite matter. I thought the matter was definite ; whether it was urgent. I thought it was urgent. I thought it was a public matter and I thought it was an important matter. Thereupon I accepted it. Perhaps also I was moved with some indignation at the character of the attack and the nature of the attack which has been made upon certain Members of the House, but I confess that I had not in my mind at the moment the rulings which had been given on former occasions that motions for adjournment under Standing Order 10 must have some relation to the conduct or default of Government and must be in the nature of criticism of the Government either for having done some action or for having omitted to do some action which was urgently necessary at the moment. The motion of which the Honourable and gallant Member gave notice, namely, to call attention to the articles of a scandalous nature which have appeared in the *Daily Mail* and other papers relating to the conduct and character of certain Members of this House does not affect the Government and whatever may be the decision of the House either in adjourning or refusing to adjourn the action of the Government is not in issue at all. Therefore, I do not think that the motion can properly be made. It raises a false issue. Honourable Members when asked to vote aye or nay on the motion for adjournment would be asked to pronounce an opinion that would leave the Government intact. Indeed the Government would not necessarily take any part in the discussion of that question. To that extent the motion raises a false issue."

The Speaker of the House of Commons then asked the Honourable Member if he could not see his way to drop the motion. Leave having been given it was not in the power of the Chair to prevent the Honourable Member from making the motion. The Honourable Member accepted the suggestion of the Chair and did not make the motion. This case is analogous to the case I have just read to the House. I go further and say that if it is the intention of the Honourable Member from Bihar to raise the question of privilege—and I do not know how far the question of privilege does arise in this case—I should say at once that no discussion on a question of privilege can take place on a motion for adjournment. I lay it down definitely and unambiguously. Under these circumstances, I regret I must disallow the motion for adjournment.

There is one word more which I would like to say. Let not this ruling be understood to mean that the House has no remedy whatever in

(Mr. President.)

such cases. I hold that it is the inherent right of any Assembly to defend itself against outside attacks and it is perfectly open in a proper case for the House to table a substantive motion and pass a vote of censure or condemnation on the attacker. But that is a different matter. On a motion for adjournment this can not be done. I therefore disallow this motion for adjournment.

Mr. Amar Nath Dutt (Burdwan Division : Non-Muhammadan Rural) : On a point of information Sir, may I know what action the Government is going to take in this matter ? Judges of High Courts have their remedy. They can bring before them any man they choose and punish him, while the Speaker of this House seems to be without any remedy in such matters. So I would like to know what action the Government proposes to take to protect the Speaker of the House against such a libel.

MOTION FOR ADJOURNMENT.

QUININE FRAUD.

Lieut.-Colonel H. A. J. Gidney (Nominated : Anglo-Indians) : Sir, I rise to ask your permission that this House do adjourn with a view to consider certain facts relating to the gigantic quinine fraud that is to-day being perpetrated throughout the length and breadth of India and to which the people of India are being subjected. I shall prove to you the importance of this matter. It will not be difficult to convince this House how important this matter is to the country when I refer to the mortality from malaria, which totals 4 millions a year, in other words 1.1 per cent. of the population, and if I were to indent on my imagination and place the corpses of these 4 million victims side by side they would cover 2,700 miles and extend from the north to the south of India. Such is the appalling malarial mortality in this country which I would call, for want of a better name, the malarial longitude of India. Sir, this quinine fraud is being done by the wholesale importation into India of certain spurious quinine preparations especially quinine bisulphate, a specimen of which I have in my hand. I do not include in this fraud quinine prepared by such well known firms as Burroughs and Wellcome, Park Davies, Howard and Company and other reputable firms. It is the most terrible fraud that has ever been perpetrated on this country and the unrestricted sale of this spurious drug has, I submit, been largely responsible for the steady high mortality from malaria. The label on this bottle exposes the whole fraud. It states here "Quinine Bisulphate" and beneath this in small letters there is printed, the word "Co." which means "compound". Against this is printed the quantity, *i.e.*, 5 grains, meaning that there are 5 grains of quinine bisulphate in each tabloid. This quinine has been examined by the Chemical Examiner to the Punjab Government who certifies it to consist of one grain or less of quinine, 3½ grains of chalk and half a grain of alum or other insoluable matter, to make it a little tasty. The wholesale price this quinine is being sold at in Bombay is Rs. 5 a lb. as against the wholesale cost price of pure Government quinine of Rs. 19 a lb. How is this possible unless it be a spurious preparation ? Now, Sir, this is the fraud that is being perpetrated upon the peoples of India and absolutely no steps whatever are being taken either by the Central or Provincial Governments. And why ?

Because there is no Drugs Adulteration Act in India, an Act which even Egypt, Palestine and Mesopotamia possess. (*An Honourable Member* : "Who makes that quinine ? "). This spurious preparation of quinine is manufactured in England and Germany and other places of Europe. The label on the bottle states "Made in London, England", but imported and compressed in India by D. Rai and Company. This imposition on the ignorant and suffering public, as I have just said, is being perpetrated with what almost looks like the connivance of Government. There are many other drugs besides quinine, *e.g.*, ergot, bismuth, cinchona, etc., that are adulterated and imported into India and imposed on the ignorant public by dishonest and unqualified chemists and druggists. The supply of quinine in India comes from two sources, one from the Government and the other as sold by public chemists, etc. This House will be interested to know that Government holds a stock of quinine which is 21 years in excess of its annual requirements.

Most of the quinine offered in the bazaars for sale to the public by so-called small Indian chemists (of course excluding the reputable chemists of India) is not quinine at all but chalk. India is "par excellence" the dumping ground for every variety of quack medicine and adulterated drug manufactured in all parts of the world ; its markets are glutted with useless and deleterious drugs sold by unqualified chemists who are themselves a public danger ; and yet the Government looks on with complacency. I don't say that it does so deliberately, but that it has done so for many years there is no doubt. Otherwise it would have awakened to its responsibility years ago and introduced a Food and Drugs Act—a Pharmacy and Poisons Bill—and insisted on all chemists being suitably qualified. The next point is the urgency of the matter. This will not be a difficult matter to prove.

Mr. President : How long has this been going on ?

Lieut.-Colonel H. A. J. Gidney : I cannot tell you how long the quinine fraud has been going on, but with regard to the adulteration of other drugs, I believe the fraud has been going on for a good many years.

Mr. President : How long has the Honourable Member known it ?

Lieut.-Colonel H. A. J. Gidney : I have known about the quinine fraud quite recently, indeed I knew of it from the exposure in the *Civil and Military Gazette*. We are on the eve of the malaria season in India. We are entering on the period when millions of our malaria stricken people will be tramping to our District Board and Municipal hospitals expecting to be given quinine but receiving chalk instead.

An Honourable Member : Did the Honourable Member receive a report from the Government Analyst ?

Lieut.-Col. H. A. J. Gidney : I have got with me the report of the Chemical Examiner to the Punjab Government as reported in the *Civil and Military Gazette* of 31st August 1928. Public opinion has been aroused to a very large extent and India owes a debt of gratitude to the public spirited men who have exposed this fraud and to the *Civil and Military Gazette* for opening its columns to the exposure of this fraud. My point is, what are we going to do ? I know Government is too busy readjusting political situations and so I have asked for an adjournment of the House because I believe that Honourable Members who are the custodians of the country will do their utmost to stop this gigantic fraud on the health of our people. Government will probably try to evade responsibility on the score that medicine

[Lieut.-Col. H. A. J. Gidney.]

is a transferred and provincial subject. I know that medicine is a transferred subject and that the Devolution Rules state that food adulteration is also a provincial matter, but Government cannot evade direct responsibility in this quinine fraud because this spurious drug is imported into India at its various sea ports which are under the Central Government. This quinine enters India *via* all Indian seaports where it is assessed by the Customs and Government derives customs revenue from it for all such importation is subject to the Sea Customs Act which is entirely a Government of India matter. Indeed, if I were uncharitably inclined, I might say the Government of India in receiving import revenues from bogus drugs, of which fraud it is fully aware, is, in a manner, aiding and abetting the fraud. I therefore submit that Government cannot get behind its responsibility. It may say it knows nothing about it. I submit that it certainly does know and it should know, for Government has already been warned of these frauds, malpractices and dangers. On the 19th March 1921 I introduced a motion in this House in which I asked Government to impose a 20 per cent. extra taxation on the importation of certain dishonest quack drugs. Government refused to do so on principle. On the 9th March 1927 this matter was brought to the notice of the Council of State. I have before me that debate in which the Director General of the Indian Medical Service assured the Mover of the motion that he would represent to the various Provincial Governments with regard to the necessity of a Food and Drugs Act being introduced, as also that the training of pharmaceutists be placed on a proper footing. I understand that the various Governments have been consulted about this matter, but nothing material has been done for the past eighteen months and the millions of India are still dying of malaria. The Tropical School of Medicine in Calcutta has also pronounced its opinion about the danger of this drug adulteration, and pressed for legislation. The Senior Trades Commissioner has also exposed these dangers and advised a Food and Drugs Act. Mr. J. C. Ghosh of Calcutta has also exposed these dangers and pressed for legislation. The Indian Chamber of Commerce in Bombay have also written to the Government of India, Education, Health and Lands Department, and asked for a Food and Drugs Act and standardisation of all drugs manufactured or imported into India. Representatives of well known drug manufacturers and the public Press have also widely ventilated the fraud and dangers. I ask the Government, what has it done? Nothing! when it was clearly its duty to act at once and so save India. Why has it failed to do its duty? Why has it not introduced a Food and Drugs Act—a Pharmacy and Poisons Bill and other remedial measures? I therefore ask the Government to give the House the following assurance, failing which I ask your permission to adjourn the House for further consideration of the matter. I ask the Government of India to give the House an assurance that, after adequate enquiry, it will take early steps.....

Mr. President : Order, order. This procedure is not to be utilised for the purpose of soliciting assurances from Government. If the Honourable Member wishes to ask leave for an adjournment of the House he can do so.

Lieut.-Col. H. A. J. Gidney : I ask the House to join me in demanding from the Government the immediate suppression of this drug fraud. That it is of great and grave national importance to the millions of our people no one can gainsay. I therefore ask you, Sir, to be so good as to grant an adjournment of this House.

Mr. G. S. Bajpai (Secretary, Department of Education, Health and Lands) : Sir, I do not think it necessary for me to discuss at length the imaginatively lurid picture which my Honourable and gallant friend has painted of the evils of the quinine pill peril. There are only two questions which I would like to submit for the consideration of the House, *viz.*, whether this is a definite matter of public importance, and further whether it is a matter of urgent public importance. First, as to its definiteness. So far as I am aware, my Honourable and gallant friend's indictment is based upon the communication of the travelling representative of a chemical firm, unsubstantiated, as far as I can see, by any testimony of which I am in possession, or for that matter anybody else. Most of his arguments are culled from the columns of the *Civil and Military Gazette*. It is difficult, Sir, in the circumstances, to judge of this matter merely by the correspondence in the Press.

The second question is whether this is a matter of urgent public importance. My Honourable and gallant friend has by his own speech played completely into my hands, because he says that in 1921 he made a motion to suggest to Government that a duty should be imposed on the importation of this drug. Further, he says that in 1926 or 1927 the matter was discussed by the Council of State. Again he refers to a letter addressed to the Government of India some time in May 1928. If that is so, where is the urgency of this matter? The Government of India have been considering it for years. (*An Honourable Member* : "And done nothing!") I will come to that. We are not discussing the merits of the question or the action taken by the Government of India, but only whether this is a matter of urgent and definite public importance. He says there is the imminence of malaria and millions of people will die. There again the question arises, has he established that the bulk of the people who use quinine use this adulterated quinine? I am not aware of the national extent of the so-called evil. So far as I can gather from the documents on which my friend bases his case, the evil is confined to the Punjab.

The third point to which I should like to draw your attention, Sir, is that under Rule 12, clause 2, of the Standing Orders of this House, a matter has not merely to be a specific matter for discussion, but also a specific matter of recent occurrence. How is this of recent occurrence? According to this document, the sale of the alleged adulterated drug has gone on for a long time.

Mr. President : Order, order. The Honourable Member has failed to satisfy me that the matter is urgent. On the contrary he has satisfied me that the matter is several years old. I therefore regard his motion as one which does not satisfy the requirements of Standing Order 11, and I therefore disallow it.

BILLS ASSENTED TO BY THE GOVERNOR GENERAL.

Mr. President : I have received a letter from Mr. G. Cunningham, Private Secretary to His Excellency the Viceroy, reading as follows :

"Sir, I have the honour to inform you that the following Bills which were passed by both Chambers of the Indian Legislature have been assented to by His Excellency the Governor General under the provisions of sub-section (*1*) of section 68 of the Government of India Act :

The Burma Salt (Amendment) Act, 1928.

The Indian Securities (Amendment) Act, 1928.

The Indian Income-tax (Amendment) Act, 1928.

[Mr. President.]

The Inland Bonded Warehouses (Amendment) Act, 1928.
The Indian Finance Act, 1928.
The Indian Merchant Shipping (Amendment) Act, 1928.
The Indian Tariff (Amendment) Act, 1928.
The Steel Industry (Protection) Act, 1928.
The Indian Territorial Force (Amendment) Act, 1928.
The Auxiliary Force (Amendment) Act, 1928.
The Chittagong Port (Amendment) Act, 1928.

PETITION RELATING TO THE TRANSFER OF PROPERTY AMENDMENT BILL AND THE TRANSFER OF PROPERTY AMENDMENT SUPPLEMENTARY BILL.

Secretary of Assembly : Sir, under Standing Order 78 I have to report that a petition signed by M. R. Ry. K. R. Venkataraz, Pleader, Chittoor, has been received relating to the Bill further to amend the Transfer of Property Act, 1882, for certain purposes and the Bill to supplement the Transfer of Property Amendment Act, 192 , which were introduced in the Legislative Assembly on the 11th September 1927.

DEATHS OF SIR ALEXANDER MUDDIMAN AND CAPTAIN KABUL SINGH.

The Honourable Mr. J. Crerar (Leader of the House) : Sir, before the list of business for the day is entered on, with your permission, Sir, I should like to say a few words on what must be to us all a very melancholy subject. Since the House last met, there has passed away in the late Sir Alexander Muddiman, a personality once familiar and highly respected, not only within these walls but beyond them—more than that, because if I rightly remember, an Honourable Member opposite once referred to him with general applause as "our beloved House Member". Though at the time of his unexpected and lamented death, he was no longer a Member, I am confident that the whole House and every individual Member of it will be acutely sensible of a great and irreparable loss. On Sir Alexander's record and achievements in the office, to which I have unworthily succeeded, it would not become me to dwell. I was not a Member of the House during his Leadership and the great majority of Members now present have a direct and intimate experience to which I can lay no claim. But the great capacity and resource, the geniality of temperament, the essential equity of mind which he displayed as Leader, and the confidence he inspired in every quarter of the House, are matters of common knowledge.

I knew him as the best of Chiefs—sagacious, imperturbable, always ready to assist, to advise or to support. I think I may say that I also knew him, as indeed did all with whom he was brought into any close relation, as a personal friend. I cannot find adequate words to express the sorrow and dismay which the news of Sir Alexander Muddiman's tragically sudden decease brought to his large circle of friends, and I shall leave them unsaid. Those who so knew him must, I think, have been especially impressed by what in the experience of most of us, is a rare, as it is an inestimable, combination of qualities—a shrewd and penetrating insight into human motives and conduct, and a great charity and good humour in passing judgment upon them. And this happily balanced habit of mind he carried into the more impersonal issues of politics and administration. No one had a keener intellectual appreciation of the logical value of the issues that there arise: no one could assess with more sympathy and wisdom their practical value in human affairs. Few men, I believe, in recent times have left so many to deplore their death. To this House he has bequeathed a memory which will always be preserved, and a tradition as Leader, which it must be my best ambition to endeavour humbly to follow.

I also think, Mr. President, that I would be failing in my duty if I did not make a reference to the loss this House has sustained in the recent death of Captain Kabul Singh. Captain Kabul Singh was modest and retiring by temperament, but I think he had earned the respect and esteem of the House and I feel that the House will desire to record an expression of its deep regret.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I also join in mourning the loss of that great Englishman, the late Sir Alexander Muddiman. By his sympathy with the aspirations of the Indians, by his unfailing courtesy and by his straightforward manner in dealing with the people of this country, he had earned the love and respect of all those who had the privilege of knowing him. We the Members of this House know very well that differences of opinion as regards political matters never interfered with the social relations of the late Sir Alexander Muddiman with the Members of this House, and even during the most contentious debates he never lost his temper or his sense of humour, and he extended his hospitality and courtesy equally to the Swarajists as well as to the Members on the other side of the House. When he was elevated as Governor of the United Provinces of Agra and Oudh it was expected that a new era of broadminded policy and improvement in the administration of the province had begun, and in fact during the very brief and short period of about five months when he was Governor of the United Provinces, the whole prospect was changed and the people of the province thought that the regime of Sir Alexander Muddiman would be a regime of sympathy and good will, but alas, it was not going to be fulfilled. The iron hands of untimely death have snatched him away from the scene of his action. The general character of the mourning which was displayed by the people of the United Provinces on his death shows his popularity and the love of the people of the Province which he had earned during that short period. Our hearts go forth in sympathy to that old lady in England, his mother, who in her old age has lost all that man could possess in this world; and we sincerely sympathise and condole with her in her irreparable loss and bereavement. With these words I wish to associate myself with the Resolution that has been moved.

I wish also to associate myself with what the Leader of the House, the Honourable Mr. Crerar, said about that gentleman the late Captain Kabul Singh. We, who knew him as a Member of this House, know that he was a genuine friend and a thorough gentleman, and we wish also to extend our sympathy to the bereaved members of his family.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, on behalf of the Congress Party in this House I wish to associate myself with the observations made by the Leader of the House on this very melancholy and sad occasion. Those of us who had the privilege of coming into contact with the late Sir Alexander Muddiman remember with pleasure and gratitude his many qualities of head and heart, and while this is not

[Mr. President.]

The Inland Bonded Warehouses (Amendment) Act, 1928.
The Indian Finance Act, 1928.
The Indian Merchant Shipping (Amendment) Act, 1928.
The Indian Tariff (Amendment) Act, 1928.
The Steel Industry (Protection) Act, 1928.
The Indian Territorial Force (Amendment) Act, 1928.
The Auxiliary Force (Amendment) Act, 1928.
The Chittagong Port (Amendment) Act, 1928.

PETITION RELATING TO THE TRANSFER OF PROPERTY AMENDMENT BILL AND THE TRANSFER OF PROPERTY (AMENDMENT) SUPPLEMENTARY BILL.

Secretary of Assembly : Sir, under Standing Order 78 I have to report that a petition signed by M. R. Ry. K. R. Venkatachari, Pleader, Chittoor, has been received relating to the Bill to further amend the Transfer of Property Act, 1882, and certain other Acts, and the Transfer of Property (Amendment) Supplementary Act, 1927, which were introduced in the Legislative Assembly on the 13th September 1927.

DEATHS OF SIR ALEXANDER MUDDIMAN AND CAPTAIN KABUL SINGH.

The Honourable Mr. J. Crerar (Leader of the House) : Sir, before the list of business for the day is entered on with your permission, Sir, I should like to say a few words on what must be to us all a very melancholy subject. Since the House last met, there has passed away in the late Sir Alexander Muddiman, a personality once familiar and highly respected, not only within these walls but beyond them—more than that, because if I rightly remember, an Honourable Member opposite once referred to him with general applause as "our beloved Home Member". Though at the time of his unexpected and lamented death, he was no longer a Member, I am confident that the whole House and every individual Member of it will be acutely sensible of a great and irreparable loss. On Sir Alexander's record and achievements in the office, to which I have unworthily succeeded, it would not become me to dwell. I was not a Member of the House during his Leadership and the great majority of Members now present have a direct and intimate experience to which I can lay no claim. But the great capacity and resource, the geniality of temperament, the essential equity of mind which he displayed as Leader, and the confidence he inspired in every quarter of the House, are matters of common knowledge.

I knew him as the best of Chiefs—sagacious, imperturbable, always ready to assist, to advise or to support. I think I may say that I also knew him, as indeed did all with whom he was brought into any close relation, as a personal friend. I cannot find adequate words to express the sorrow and dismay which the news of Sir Alexander Muddiman's tragically sudden decease brought to his large circle of friends, and I shall leave them unsaid. Those who so knew him must, I think, have been especially impressed by what in the experience of most of us, is a rare, as it is an inestimable, combination of qualities—a shrewd and penetrating insight into human motives and conduct, and a great charity and good humour in passing judgment upon them. And this happily balanced habit of mind he carried into the more impersonal issues of politics and administration. No one had a keener intellectual appreciation of the logical value of the issues that there arise: no one could assess with more sympathy and wisdom their practical value in human affairs. Few men, I believe, in recent times have left so many to deplore their death. To this House he has bequeathed a memory which will always be preserved, and a tradition as Leader, which it must be my best ambition to endeavour humbly to follow.

I also think, Mr. President, that I would be failing in my duty if I did not make a reference to the loss this House has sustained in the recent death of Captain Kabul Singh. Captain Kabul Singh was modest and retiring by temperament, but I think he had earned the respect and esteem of the House and I feel that the House will desire to record an expression of its deep regret.

Maulvi Muhammad Yakub (Rohilkund and Kumaon Divisions : Muhammadan Rural) : Sir, I also join in mourning the loss of that great Englishman, the late Sir Alexander Muddiman. By his sympathy with the aspirations of the Indians, by his unfailing courtesy and by his straightforward manner in dealing with the people of this country, he had earned the love and respect of all those who had the privilege of knowing him. We the Members of this House know very well that differences of opinion as regards political matters never interfered with the social relations of the late Sir Alexander Muddiman with the Members of this House, and even during the most contentious debates he never lost his temper or his sense of humour, and he extended his hospitality and courtesy equally to the Swarajists as well as to the Members on the other side of the House. When he was elevated as Governor of the United Provinces of Agra and Oudh it was expected that a new era of broadminded policy and improvement in the administration of the province had begun, and in fact during the very brief and short period of about five months when he was Governor of the United Provinces, the whole prospect was changed and the people of the province thought that the regime of Sir Alexander Muddiman would be a regime of sympathy and good will, but alas, it was not going to be fulfilled. The iron hands of untimely death have snatched him away from the scene of his action. The general character of the mourning which was displayed by the people of the United Provinces on his death shows his popularity and the love of the people of the Province which he had earned during that short period. Our hearts go forth in sympathy to that old lady in England, his mother, who in her old age has lost all that man could possess in this world; and we sincerely sympathise and condole with her in her irreparable loss and bereavement. With these words I wish to associate myself with the Resolution that has been moved.

I wish also to associate myself with what the Leader of the House, the Honourable Mr. Crerar, said about that gentleman the late Captain Kabul Singh. We, who knew him as a Member of this House, know that he was a genuine friend and a thorough gentleman, and we wish also to extend our sympathy to the bereaved members of his family.

Mr. Jamnadas M. Mehta (Bombay City : Non-Muhammadan Urban) : Sir, on behalf of the Congress Party in this House I wish to associate myself with the observations made by the Leader of the House on this very melancholy and sad occasion. Those of us who had the privilege of coming into contact with the late Sir Alexander Muddiman remember with pleasure and gratitude his many qualities of head and heart, and while this is not

[Mr. Jamnadas M. Mehta.]

the occasion for judging of the political value of the various measures which were passed or not passed in his time, everybody will admit that he was the least impatient and the least bitter of all the opponents that we had had to meet on the floor of this House. He was never buried under the weight of his great office or of the many responsibilities which he carried on his shoulders, but always rose above them ; and there was a sort of *bonhomie* about him, an easy, cheerful, pleasant way which disarmed all opposition and suspicion and which was a great instrument in turning doubtful friends into cordial companions. That was the great merit of Sir Alexander Muddiman. If I may so say without digressing, Sir Alexander Muddiman, along with several other officers of Government, was a better man than the system he and they have to work. It is the misfortune of some members of the Government that they are called upon to administer a system which they themselves do not like and it is this fact to which many of the difficulties of the present situation can be traced. But about Sir Alexander Muddiman it may be truly said that he tried to rise above the system to the best of his ability. We remember he looked so strong and healthy—the very picture of health—and it is really a great wrench that so soon after his leaving this House he should have been suddenly removed from our midst. We are all of us deeply shocked and I request you to communicate to the members of his family our sympathy and condolence in their great loss.

I would also like to associate myself with the observations made by the Leader of the House about the late Captain Kabul Singh.

Nawab Sir Zulfiqar Ali Khan (East Central Punjab : Muhammadan) : Sir, I rise in obedience to the call of a melancholy duty, and I desire to pay my homage to the memory of the late Sir Alexander Muddiman. It is not long since he was with us in this House, but we all remember his genial ways and the great tact which he displayed in his dealings with us, non-official Members. I associate myself entirely with the remarks which have fallen from the previous speakers. I may add a few more remarks and say that when he joined the Government of India as Deputy Secretary he displayed those sterling qualities which helped him to attain to one of the highest positions in India. As President of the Council of State I was in those days an elected Member of the Council of State - he displayed great tact and showed that he was perfectly impartial and scrupulously just. I never heard any whisper against his treatment of either officials or non-officials. It was a great quality in him that he had the ability to please everybody. I remember his work in the Home Department and as Leader of the House. It is an ineffaceable memory with me that whenever I came in personal contact with him I carried away the most pleasant impression of his personality, and I think this was the impression created on others also. Sir, we are grateful to him for the example which he gave us in behaviour. No man so harassed and so severely criticised faced the Assembly with greater calm and with such an irrepressible and genial smile. Sir, I would request you to convey to his relatives at Home the sense of loss which we have suffered in his death, and I think all the Members present here will agree with me in this request.

Lala Lajpat Rai (Jullundur Division : Non-Muhammadan) : Sir, on behalf of myself and of the Party which I have the honour to represent in this House, I would like to associate myself with the remarks that have

been made by the Honourbale Leader of the House, about the tragic death of Sir Alexander Muddiman. Sir Alexander Muddiman was one of those men whom we consider to be rare—he was frank and sincere. It is a great thing in these days to have men amongst British statesmen who, in spite of conflict of interests and views that may exist between the Government and the opposition, will reduce the amount of bitterness and unpleasantness which results therefrom to its lowest possible extent. I think that is a great quality which Sir Alexander Muddiman possessed in abundance and which we all fully appreciated on this side of the House. We are very sorry that he should have been cut off from the great career which he had before him.

I also wish to associate myself with the regret of the House in regard to the death of Captain Kabul Singh.

Sir Purshotamdas Thakurdas (Indian Merchants' Chamber : Indian Commerce) : Sir, on behalf of the Independent Party it is my painful duty to associate myself with the remarks which have fallen from the Leader of the House. I do not wish to say much, but there is one incident which impressed me about Sir Alexander Muddiman very early after I joined the Central Legislature and I think it is only right that I should take this opportunity of getting it on record. It was in the Council of State when Sir Alexander Muddiman was President in July 1923, when the Council of State was in Session and the Kenya White Paper was published in London. The Council was to adjourn on the 27th July, the last working day, and the Kenya White Paper was available to us on the 24th of that month. I was working to get a sufficient number of votes to get an adjournment of the House, and 15 people were required to stand up in their seats before an adjournment motion could be accepted. Unfortunately, the Government wished to oppose the motion, and Sir Narasimha Sarma, who was then Member in charge, told me that he would stoutly oppose the motion. When this was brought to the notice of Sir Alexander Muddiman, he said to me that the motion which was going to be moved was perfectly in order, but I must get 15 people to stand up. It was five minutes to eleven on the 27th, and Sir Alexander Muddiman inquired whether there was the requisite number of Members present in the House. It was then mentioned to him that the fifteen required to support the adjournment motion were not secured. Sir Alexander Muddiman sent for Sir Muhammad Shafi, the Leader of the House, and told him, " Will you inform Sir Purshotamdas that if he can get 14, I will stand up and be the 15th member ". This served its purpose wonderfully and we got more than 15 to stand up. Since that incident, Sir, I felt that in Sir Alexander Muddiman we had a man who could be relied upon to stand by India even under trammels of office. I think, Sir, this incident is sufficient to show that in Muddiman the man, India had much to appreciate and even to praise.

Mr. H. G. Cocke (Bombay : European) : Sir, I wish to say a very few words to join in this tribute both on behalf of myself and those who sit on these benches to the memory of the late Sir Alexander Muddiman. My recollection of him goes back to the second Assembly in 1924. He was not here then, but he was in the Council of State, and shortly after he came to this House as Home Member. Reference has been made to his geniality and good spirits by several speakers to-day, and those qualities were undoubtedly amongst his greatest attributes. Another instance

[Mr. H. G. Cocke.]

which perhaps I might be permitted to recall, though of a somewhat different nature to that just referred to, was on the occasion when Government were likely to be deprived of their travelling allowance. On that occasion Sir Alexander Muddiman with his usual geniality said : " Nothing would please me more than to have six weeks in which to walk up the hill to Simla ". That incident shows the character of the man but he also possessed other very excellent characteristics. He was very sincere, he was always easy to approach, and he was very responsive to any request made to him by Members of the House.

I also desire to associated myself with the words of tribute paid to the memory of Captain Kabul Singh, and trust the expressions of condolence by the Members of this House may be conveyed to the relatives of the deceased.

Mr. President : I am sure the House will permit me to add my quota of tribute to the memories of the late Captain Kabul Singh and Sir Alexander Muddiman. Captain Kabul Singh was a very quiet and unassuming Member of this House, and, as was just observed by my Deputy, a thorough gentleman.

As regards Sir Alexander Muddiman, he was associated with the Central Legislature since 1910 in various capacities. Steadily he rose to be the Secretary of the old Imperial Legislative Council, of which I had the honour to be a Member, and in that capacity I came in direct touch, and, if I may say so, in intimate touch with Sir Alexander Muddiman. He was then promoted to the office of the President of the Council of State, in which capacity, as the House is aware, he showed conspicuous ability and impartiality in the discharge of his duties. With his experience as President of the Council of State he came to this place as the Leader of the House and in that capacity displayed unusual knowledge of Parliamentary traditions, and I can say from personal experience he was thoroughly conversant with Parliamentary manners, Parliamentary etiquette and Parliamentary methods in conducting the business of this House. I watched his career with the keenest interest and, as you are all aware, the relations between the Chair and the Leader of the House were then of an extraordinarily cordial nature. He always stood up for the dignity of the Chair and the dignity of this House. We all miss him very much, and it will be my duty to convey an expression of the regret and condolence of this House to the family of the deceased.

THE PUBLIC SAFETY (REMOVAL FROM INDIA) BILL.

The Honourable Mr. J. Crerar (Home Member) : Sir, I introduce the Bill to provide for the removal from British India in certain cases of persons not being Indian British subjects or subjects of States in India.

THE INDIAN INSURANCE COMPANIES BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I introduce the Bill further to amend the Indian Life Assurance Companies Act, 1912, for certain purposes, and to provide for the collection of statistical information in respect of insurance business other than life assurance business.

THE DANGEROUS DRUGS BILL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I introduce the Bill to centralise and vest in the Governor General in Council the control over certain operations relating to dangerous drugs and to increase and render uniform throughout British India the penalties for offences relating to such operations.

THE INDIAN TRADE UNIONS (AMENDMENT) BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to amend the Indian Trade Unions Act, 1926, for a certain purpose.

The object of this Bill is to remove certain obscurities which have crept into one section of the Indian Trade Unions Act. That section, section 11, deals with the procedure in appeal from the orders of the Registrar either refusing to register a Trade Union or issuing orders for the withdrawal or cancellation of a certificate of registration. The section, as it stands, is defective because in the first place it does not make clear where the appellate Court is situated ; whether it is to be the Court which has jurisdiction in the place where the head office of the Union is situated or whether it is to be the Court which has jurisdiction where the office of the Registrar is situated. It was clearly the intention of the House when the Trade Unions Bill was under discussion that the appellate Court should be the Court where the head office of the Trade Union was situated and the first amendment made in this Bill is to make that point clear. The second point is that in the existing section it is not clear which the appellate Court is in the Presidency towns and in Rangoon, and the second amendment made in this Bill is to make it clear that the appellate Court in these cases is the High Court and that there shall be one appeal in all cases to the High Court.

The motion was adopted.

The Honourable Mr. A. C. McWatters : Sir, I introduce the Bill.

THE TRADE DISPUTES BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill to make provision for the investigation and settlement of trade disputes, and for certain other purposes.

This Bill, as the House will realise, is an important measure. It has been published for some weeks and as the time at my disposal in making this motion is obviously short, it would be quite impossible for me to do more than make a very few remarks on this occasion. I shall content myself with giving the merest summary of the provisions of the Bill. The first provision is to provide machinery by which Government shall be enabled to intervene as early as possible in cases of trade disputes. The machinery may take the form of the appointment of either Courts of Inquiry or Boards of Conciliation. In both cases what we propose to do in the main is to have publicity and the force of public opinion in shortening trade disputes which have been, I am sorry to say, so prevalent recently, and I think the House will agree with me that it was perhaps a pity that such machinery was not available during the last few months.

[Mr. A. C. McWatters.]

The subsidiary provisions of the Bill are two-fold. The first is a provision which requires some interval to elapse before a strike can take place in a Public Utility Service. The object of this is the protection of the public, because strikes in these services are very often serious both to life and to property and also because this interval of a month, which the Bill requires, will give us the opportunity of bringing into play the conciliation machinery which I have just described.

The third part of the Bill, which is based, as the House will have observed, on recent legislation in England proposes to render illegal strikes and lock-outs in certain circumstances. The definition given in the Bill is a definition, so far as it can be defined in law, of a general strike, and the illegality occurs only if the strike or lock-out fulfils both of two criteria. First of all, the strike or lock-out must have objects other than, or in addition to, a trade dispute within the trade or industry concerned, and in the second place, it must be designed to coerce Government either directly or by its effect upon the public. These, as I have said, are very important provisions on which the House will certainly expect me to make a full explanation on a later date. On the present occasion I think the explanation I have given is perhaps sufficient to explain the Bill briefly to the House.

The motion was adopted.

The Honourable Mr. A. C. McWatters : Sir, I introduce the Bill.

THE WORKMEN'S COMPENSATION (AMENDMENT) BILL.

The Honourable Mr. A. C. McWatters (Member for Industries and Labour) : Sir, I move for leave to introduce a Bill further to amend the Workmen's Compensation Act, 1923, for certain purposes.

The Bill which I ask for leave to introduce is limited to the removal of certain defects which have come to light in the working of the Workmen's Compensation Act of 1923. The Act came into force on the 1st of July, 1924, and during the interval a certain number of points, some of detail, some of fair importance, have been brought to our notice principally by the Commissioners for Workmen's Compensation, and the present Bill is intended to deal solely with these points of detail. But I should like to take this opportunity of saying that we propose at the same time to address Local Governments with regard to the more general principles of the Bill. On the present occasion I do not think I need go into further detail as regards this Bill which is very fully explained in the Statement of Objects and Reasons.

The motion was adopted.

The Honourable Mr. A. C. McWatters : Sir, I introduce the Bill.

THE INDIAN SUCCESSION (AMENDMENT) BILL.

Mr. J. A. Shillidy (Home Department : Nominated Official) : Sir, I ask for leave to introduce a Bill further to amend the Indian Succession Act, 1925, for a certain purpose.

The Bill is a very short one. It could hardly have been shorter. Its object is simply to give effect to what was the original intention of the Indian Succession (Amendment) Act, 1926. It was not the intention of that Act that the wills of Hindus, Buddhists, Sikhs and Jains beyond those mentioned in section 57 of the Act of 1925 should be subjected to the requirements of probate or letters of administration. It was not perceived at the time that an amendment of section 213 of the Act was necessary, and all that this Bill seeks to do is to confine those requirements of probate or letters of administration to the wills of Hindus, Buddhists, Sikhs and Jains mentioned in sub-section (1) of section 57.

The motion was adopted.

Mr. J. A. Shillidy : Sir, I introduce the Bill.

THE REPEALING AND AMENDING BILL.

Mr. L. Graham (Secretary, Legislative Department) : Sir, I move for leave to introduce a Bill to amend certain enactments and to repeal certain other enactments.

The object of the Bill, as stated in the Statement of Objects and Reasons, is to make a few necessary amendments of a formal nature in certain enactments and to repeal certain spent or useless matter in the Statute-book.

The motion was adopted.

Mr. L. Graham : Sir, I introduce the Bill.

THE INDIAN PENAL CODE (AMENDMENT) BILL.

(AMENDMENT OF SECTION 505.)

Sir Denys Bray (Foreign Secretary) : Sir, I move for leave to introduce a Bill further to amend the Indian Penal Code for a certain purpose.

There is nothing controversial (*Some Honourable Members* : "Oh !") in the spirit in which this Bill has been designed and I greatly hope that I shall persuade the House to receive it in no controversial spirit. The fundamental object of the Bill in as simple and plain language as I can find is the better preservation of India's interests abroad. Of late, those interests have been jeopardised, I had almost said impaired, by certain statements in certain quarters which tended to promote, in the language of the Bill, unfriendly relations between India and foreign countries. It is only recently that Government has realised that there is no provision in the law to cover cases of this kind. Hence the Bill which I now ask the leave of the House to introduce.

The motion was adopted.

Sir Denys Bray : I introduce the Bill.

THE MATCH INDUSTRY (PROTECTION) BILL.

The Honourable Sir George Rainy (Member for Commerce and Railways) : Sir, I move for leave to introduce a Bill to provide for the protection of the match industry.

[Sir George Rainy.]

This Bill is a very short and a very simple one. It is based, as Members will no doubt realise, on the report recently published of the Indian Tariff Board regarding the protection of the match industry. The Government of India have accepted the recommendation of the Board and this Bill proposes to give effect to that recommendation. The rate of duty on matches will be left unchanged, but the duty which at present occurs in the revenue part of the Tariff Schedule will be transferred to the protective part of the Schedule. The object of that of course is to give the House an opportunity of expressing a definite opinion regarding the protection of the industry. Sir, I move.

The motion was adopted.

The Honourable Sir George Rainy : Sir, I introduce the Bill.

THE INDIAN INCOME-TAX (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move for leave to introduce a Bill further to amend the Indian Income-tax Act, 1922, for a certain purpose.

The purpose, Sir, is a very simple one and is a corollary of the formation of a Central Income-tax Department.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra : Sir, I introduce the Bill.

THE MADRAS SALT (AMENDMENT) BILL.

The Honourable Sir Bhupendra Nath Mitra (Finance Member) : Sir, I beg to move for leave to introduce a Bill further to amend the Madras Salt Act, 1889, for a certain purpose.

This again, Sir, is a very simple Bill and its sole object is to remove a lacuna in the existing Act.

The motion was adopted.

The Honourable Sir Bhupendra Nath Mitra : Sir, I introduce the Bill.

The Assembly then adjourned till Eleven of the Clock on Wednesday, the 5th September 1928.

LEGISLATIVE ASSEMBLY.

Wednesday, 5th September, 1928.

The Assembly met in the Assembly Chamber at Eleven of the Clock, Mr. President in the Chair.

MEMBERS SWORN :

Mr. Edward Henry Mitchell Bower, M.L.A. (Madras : Nominated Official) ; and

Mr. John Alexander Stewart, M.L.A. (Burma : Nominated Official).

QUESTIONS AND ANSWERS.

ISSUE OF INSTRUCTIONS TO THE INCOME-TAX OFFICERS OF CALCUTTA, REGARDING APPLICATIONS UNDER SECTION 27 OF THE INDIAN INCOME-TAX ACT, 1922.

66. ***Mr. A. H. Ghuznavi** : (*a*) Is it a fact that the present Assistant Commissioners of Calcutta have issued general instructions to the Income-tax Officers within their respective jurisdiction, not to entertain applications under section 27 of the Income-tax Act at all ?

(*b*) Do Government propose to enquire into the matter and lay before the House the result of such enquiry ?

The Honourable Sir Bhupendra Nath Mitra : (*a*) No such instructions have been issued by the Assistant Commissioners referred to.

(*b*) Does not arise.

ISSUE BY THE INCOME-TAX DEPARTMENT OF NOTICES TO WEALTHY ASSESSEES UNDER SECTION 34 OF THE INDIAN INCOME-TAX ACT, 1922.

67. ***Mr. A. H. Ghuznavi** : (*a*) Is it a fact that the practice of the Income-tax Department in Calcutta is to issue indiscriminately notices under section 34 in cases of wealthy assessees specially Indians, immediately or soon after their assessment has been made by the Income-tax Officer ? If so, do Government propose to enquire into the matter and inform the House of the result of such enquiry ?

(*b*) Will the Government be pleased to lay on the table a statement showing the number of such notices under section 34, issued to assessees in Calcutta during March 1925 to October 1926 and November 1926 to March 1928 and also state the respective dates on which the original assessment in each case had been made ? And will the Government be further pleased to state the number of such notices issued during the next previous six months with the respective dates of original assessment in each case ?

(c) Will the Government be pleased to state whether there is a special Income-tax Officer in Calcutta charged with the duty of issuing notices under section 34 of the Act? If so, who is he?

The Honourable Sir Bhupendra Nath Mitra: (a) The practice is not as stated. Notices under section 34 are not issued indiscriminately.

(b) A statement is laid on the table giving the information required.

(c) There is no such officer. An officer was appointed to deal with certain assessments under section 34 in the year 1926 but the Central Board of Revenue considered the arrangement unsatisfactory and ordered its discontinuance in April 1927. The remainder of the question therefore does not arise.

Statement showing number of Notices issued under Section 34 during March 1927 to October 1926, in Calcutta.

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
554. (Including 207 new cases in which the section 34 assessments were the 1st assessments).	24th Nov. 1924, 24th Nov. 1924, 25th Nov. 1924, 10th Aug. 1925, 29th Aug. 1924, 20th June 1925, 25th June 1925, 22nd Oct. 1925, 24th Feb. 1926, 8th May 1925, 11th Sep. 1925, 6th Feb. 1925, 9th Sep. 1924, 18th Aug. 1925, 19th Oct. 1925, 4th Jan. 1926, 4th Jan. 1926, 26th Nov. 1924, 19th Aug. 1925, 20th July 1925, 21st Dec. 1923, 13th May 1925, 24th June 1925, 25th May 1925, 2nd Oct. 1924, 22nd Feb. 1923, 23rd July 1925, 24th Sep. 1924, 23rd Jan. 1926, 17th Nov. 1925, 18th June 1925, 31st Dec. 1925, 11th March 1925, 5th Dec. 1925, 1st Aug. 1924, 16th Sep. 1924, 19th Dec. 1924, 27th Aug. 1925, 18th March 1925, 19th Aug. 1925, 22nd Aug. 1925, 22nd Oct. 1925, 15th June 1925, 13th Nov. 1925, 20th July 1925, 19th Oct. 1925, 4th Jan. 1926, 4th Jan. 1926, 28th Nov. 1924, 15th Dec. 1924, 22nd Oct. 1925, 30th Oct. 1924, 10th June 1926, 5th Dec. 1925, 15th Sept. 1924, 25th May 1925, 23rd Jan. 1923, 25th Nov. 1924, 24th Sep. 1924, 25th Aug. 1925, 23rd Jan. 1926, 13th Aug. 1925, 16th March 1926, 28th May 1925, 4th Feb. 1926, 27th Jan. 1925, 22nd Oct. 1925, 28th Aug. 1924, 27th July 1925, 28th Aug. 1924, 31st Jan. 1926, 10th Feb. 1926, 26th July 1925, 29th Aug. 1925, 11th Sep. 1925, 28th Aug. 1925, 17th Sep. 1926, 17th Nov. 1925, 23rd Sep. 1926, 28th Feb. 1925, 31st March 1925, 19th Aug. 1924, 28th March 1925, 15th Oct. 1925, 12th March 1925, 26th March 1925, 24th Jan. 1925, 23rd Feb. 1925, 28th Aug. 1925, 25th March 1925, 20th Sep. 1924, 16th March 1925, 27th March 1925, 29th May 1925, 10th Aug. 1926, Jan. 1924, July 1924, March 1925, May 1925, June 1925, July 192 Aug. 1925, Sep. 1925, Oct. 1925, Nov. 1925, Dec. 1925, Feb. 1925, June 1926, Feb. 1924, Feb. 1925, June 1925, July 1925, Aug. 1925, Sep. 1925, Nov. 1925, Jan. 1926, Feb. 1926, 23rd Oct. 1924, 22nd Jan. 1926, 30th March 1926, 10th Sep. 1924, 19th Dec. 1925, 24th June 1926, 29th Oct. 1925, 9th July 1926, 8th June 1926, 21st June 1926, 26th Sep. 1925, 17th July 1926, 7th July 1925, 17th July 1926, 19th June 1925,

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
	17th July 1926, 18th June 1925, 17th July 1926, 7th July 1925, 17th July 1926, 19th June 1925, 17th July 1926, 28th May 1925, 16th July 1926, 9th July 1925, 17th July 1926, 27th June 1925, 17th July 1926, 19th June 1925, 17th July 1926, 15th Feb. 1926, 5th Feb. 1926, 16th Feb. 1926, 17th July 1925, 24th July 1925, 6th Feb. 1926, 4th Sep. 1926, 20th Oct. 1925, 4th Sep. 1926, 15th July 1926, 12th Feb. 1926, 23rd July 1925, 5th Sep. 1925, 23rd July 1926, 15th Sep. 1925, 28th Jan. 1925, 6th Feb. 1926, 14th July 1925, 15th July 1925, 27th July 1926, 18th June 1924, 7th June 1926, 3rd July 1925, 23rd May 1925, 25th Nov. 1925, 22nd July 1924, 29th Aug. 1924, 5th June 1925, 25th Feb. 1925, 9th March 1926, 24th Oct. 1925, 15th March 1926, 18th Sep. 1925, 19th Feb. 1925, 20th March 1926, 31st Aug. 1925, 15th Nov. 1924, 23rd Oct. 1925, 30th April 1925, 24th Sep. 1924, 18th Aug. 1924, 21st Aug. 1924, 10th Dec. 1924, 8th Dec. 1924, 17th Sep. 1924, 22nd Sep. 1924, 30th Aug. 1924, 15th Oct. 1924, 13th Dec. 1924, 3rd Sep. 1924, 25th Sep. 1924, 13th Nov. 1924, 26th Feb. 1926, 1st Oct. 1924, 19th Sep. 1924, 20th June 1925, 24th July 1925, 17th Aug. 1925, 21st Jan. 1926, 3rd Aug. 1925, 6th Aug. 1925, 7th March 1925, 17th June 1925, 25th June 1925, 31st Aug. 1926, 20th July 1925, 30th Sep. 1926, 27th July 1926, 6th June 1925, 31st Aug. 1926, 27th Aug. 1925, 13th Aug. 1926, 26th Aug. 1926, 11th Sep. 1925, 10th Sep. 1925, 30th July 1926, 26th June 1925, 25th Aug. 1926, 11th July 1925, 29th June 1925, 16th June 1925, 22nd July 1926, 17th Jan. 1925, 14th Oct. 1925, 30th March 1925, 27th Aug. 1925, 23rd July 1925, 23rd Nov. 1925, 23rd Dec. 1925, 25th July 1925, 30th July 1925, 20th June 1925, 8th Jan. 1926, 30th Jan. 1926, 31st Oct. 1925, 8th Aug. 1925, 27th June 1925, 23rd Dec. 1925, 17th Dec. 1924, 29th Oct. 1926, 17th Nov. 1925, 15th March 1926, 27th July 1925, 9th Sep. 1925, 15th Sep. 1925, 8th March 1924, 23rd Aug. 1924, 30th Nov. 1925, 5th May 1925, 13th Nov. 1925, 13th Nov. 1925, 28th Jan. 1925, 6th Sep. 1924, 7th Nov. 1925, 22nd Oct. 1925, 20th Sep. 1924, 29th Oct. 1924, 27th Aug. 1925, 18th Aug. 1925, 22nd Oct. 1925, 27th Jan. 1926, 21st Oct. 1925, 19th Aug. 1926, 1st Sep. 1925, 23rd March 1926, 20th Nov. 1923, 11th March 1925, 18th Aug. 1923, 15th Nov. 1924, 28th July 1924, 9th July 1925, 18th Dec. 1924, 23rd July 1925, 9th Jan. 1925, 23rd Oct. 1924, 20th Sep. 1924, 25th Feb. 1925, 17th Aug. 1925, 12th June 1925, 7th June 1924, 18th Nov. 1925, 22nd Oct. 1924, 29th July 1924, 29th Aug. 1924, 29th Aug. 1924, 22nd Dec. 1924, 17th Jan. 1925, 14th Feb. 1925, 11th Sep. 1924, 21st Sep. 1924, 18th May 1925, 19th July 1925, 26th March 1926, 29th June 1925, 18th Aug. 1925, 26th Jan. 1926, 11th June 1925, 8th July 1925, 8th Oct. 1925, 26th Oct. 1924, 18th July 1925, 21st Aug. 1923, 12th March 1925, 12th March 1925, 27th March 1925, 27th March 1925, 30th March 1925, 13th July 1925, 13th July 1925, 28th Dec. 1925, 5th Jan. 1926, 2nd Feb. 1926, 11th May 1926, 1st June 1926, 15th June 1926,

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
	23rd June 1926, 21st Sep. 1926, 30th Sep. 1926, 28th May 1925, 13th May 1925, 21st Aug. 1926, 18th Aug. 1925, 23rd June 1925, 26th Nov. 1925, 9th Aug. 1925, 21st Dec. 1926, 10th Aug. 1925, 25th Aug. 1925, 28th Sep. 1926, 21st Sep. 1926, 8th July 1925, 7th July 1924, 29th Aug. 1924, 23rd April 1925, 3rd Jan. 1925, 28th Jan. 1926, 22nd Oct. 1924, 30th May 1925, 24th Oct. 1924.

Statement showing number of notices issued under section 34 during November, 1926, to March, 1928, in Calcutta.

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
1214. (Including 621 new cases in which the Section 34 assessments were the 1st assessments).	22nd June 1925, 25th Nov. 1925, 7th Sep. 1926, 25th Aug. 1925, 5th Mar. 1927, 5th Mar. 1927, 3rd June 1927, 21st Aug. 1925, 24th Feb. 1927, 23rd Oct. 1925, 24th Feb. 1927, 23rd Oct. 1925, 6th Nov. 1926, 20th May 1926, 3rd Sep. 1926, 25th Sep. 1926, 12th June 1926, 10th Aug. 1927, 25th Mar. 1928, 27th April 1927, 10th May 1927, 24th Aug. 1925, 26th Aug. 1926, 19th May 1928, 1st June 1927, 15th Dec. 1926, 9th Sep. 1926, 1st June 1927, 10th Mar. 1926, 22nd Dec. 1926, 17th Mar. 1927, 5th July 1926, 27th June 1927, 28th Sep. 1926, 3rd Aug. 1926, 28th Jan. 1927, 25th July 1927, 10th Nov. 1926, 25th June 1927, 18th Jan. 1928, 25th Aug. 1926, 8th July 1926, 8th July 1926, 8th July 1926, 10th June 1926, 22nd Jan. 1927, 14th Mar. 1927, 6th June 1927, 27th June 1926, 29th May 1925, 24th June 1926, 22nd Aug. 1926, 22nd Sep. 1926, 22nd Oct. 1926, 6th Aug. 1925, 9th Dec. 1926, 26th Oct. 1925, 1st June 1927, 24th Jan. 1927, 24th Nov. 1926, 29th Jan. 1926, 8th Sep. 1926, 12th Mar. 1927, 11th Mar. 1927, 16th Mar. 1927, 27th Aug. 1926, 12th Mar. 1927, 29th Mar. 1927, 7th Mar. 1925, 9th June 1925, 3rd Dec. 1926, 8th Sep. 1926, 31st Jan. 1926, 9th Dec. 1925, 27th Sep. 1926, 16th July 1925, 11th Sep. 1925, 14th Jan. 1927, 8th April 1927, 25th Jan. 1927, 29th June 1926, 15th Nov. 1927, 26th July 1926, 27th Sep. 1926, 22nd Sep. 1926, 27th Oct. 1927, 2nd Sep. 1926, 31st June 1927, 3rd Jan. 1928, 4th Jan. 1928, 5th Nov. 1927, 21st Mar. 1928, 5th Nov. 1927, 21st Mar. 1928, 28th Sep. 1926, 28th Sep. 1926, 20th Dec. 1926, 16th Feb. 1928, 22nd Feb. 1928, 24th Feb. 1928, 24th Feb. 1928, 25th Feb. 1928, 29th Feb. 1928, 8th July 1926, 10th Mar. 1928, 6th June 1926, 22nd Mar. 1928, 9th Nov. 1928, 29th Oct. 1926, 26th Mar. 1928, 28th Feb. 1927, 7th Jan. 1927, 26th May 1927, 26th May 1927, 22nd Nov. 1926, 9th Sep. 1925, 25th June 1927, 16th July 1927, 16th Mar. 1927, 2nd Sep. 1926, 1st Dec. 1926, 18th Nov. 1926, 27th July 1926, 17th Jan. 1927, 15th July 1927, 22nd Aug. 1926, 26th May 1927, 9th Feb. 1928, 13th Feb. 1928, 23rd Feb. 1928, 21st Sep. 1926, 11th Mar. 1927, 15th Feb. 1927, 26th Sep. 1927, 29th May

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
	1925, 27th Nov. 1925, 11th Aug. 1926, 20th March 1927, 7th Nov. 1927, 29th Jan. 1927, 24th Mar. 1927, 15th Mar. 1927, 30th Dec. 1925, 9th June 1927, 18th Sep. 1926, 23rd Feb. 1927, 22nd Feb. 1927, 19th Jan. 1928, 31st Aug. 1926, 1st Feb. 1928, 20th Jan. 1926, 5th Sep. 1925, 14th Nov. 1925, 27th Nov. 1926, 26th Nov. 1926, 15th Sep. 1926, 26th Aug. 1925, 26th Nov. 1926, 12th April 1927, 28th July 1927, 4th June 1927, 12th Jan. 1928, 17th Aug. 1927, 27th June 1927, 23rd June 1926, 23rd June 1926, 31st May 1927, 26th Aug. 1927, 22nd Sep. 1926, 12th Jan. 1928, 26th July 1926, 11th Aug. 1926, 10th Aug. 1926, 17th Dec. 1927, 28th Jan. 1927, 27th July 1926, 10th July 1926, 28th May 1927, 3rd Aug. 1926, 23rd June 1926, 23rd June 1926, 22nd June 1927, 10th Aug. 1926, 9th July 1926, June 1925, July 1925, Oct. 1925, Dec. 1925, Feb. 1926, Mar. 1926, May 1926, June 1926, Aug. 1926, Jan. 1927, Feb. 1927, June 1927, Feb. 1925, Jan. 1926, Feb. 1926, Aug. 1926, Sep. 1926, Nov. 1926, Dec. 26th, Jan. 1927, Mar. 1927, July 1927, Aug. 1927, Sep. 1927, March 1928, 18th Aug. 1926, 27th Sep. 1926, 30th Oct. 1927, 6th Dec. 1926, 12th Nov. 1926, 27th Sep. 1926, 6th Sep. 1926, 8th Mar. 1927, 28th Aug. 1926, 27th June 1926, 26th Oct. 1926, 12th Mar. 1927, 4th Oct. 1926, 28th Jan. 1927, 7th Dec. 1926, 23rd Dec. 1926, 21st Sep. 1926, 1st Sep. 1926, 29th Oct. 1926, 8th Sep. 1926, 23rd July 1926, 11th Aug. 1925, 24th June 1926, 14th Sep. 1926, 18th Jan. 1927, 8th Nov. 1926, 28th Sep. 1927, 27th Sep. 1926, 21st July 1927, 3rd Aug. 1926, 26th Aug. 1927, 29th July 1926, 23rd Feb. 1927, 10th July 1926, 13th Jan. 1927, 26th Aug. 1927, 31st Aug. 1925, 21st Sep. 1926, 8th Dec. 1926, 25th Nov. 1926, 30th July 1925, 30th Nov. 1926, 30th June 1926, 3rd Aug. 1925, 17th July 1925, 30th Jan. 1926, 24th July 1925, 29th Nov. 1926, 22nd June 1927, 14th July 1927, 31st July 1926, 20th Aug. 1927, 1th Jan. 1927, 21st Sep. 1926, 31st July 1926, 23rd Aug. 1926, 7th July 1926, 7th July 1926, 20th Aug. 1926, 16th Feb. 1927, 20th Aug. 1926, 8th Oct. 1926, 13th Oct. 1927, 22nd Dec. 1926, 29th Nov. 1926, 8th Sep. 1926, 15th Oct. 1927, 29th Nov. 1926, 26th Oct. 1926, 29th Sep. 1927, 20th Nov. 1926, 23rd May 1927, 8th Oct. 1926, 27th July 1926, 31st Oct. 1927, 9th Feb. 1927, 14th Mar. 1927, 7th Sep. 1926, 8th Feb. 1927, 30th Oct. 1926, 3rd Jan. 1927, 24th Aug. 1926, 21st Sep. 1926, 25th Nov. 1926, 16th March 1926, 15th July 1926, 31st Oct. 1925, 31st Aug. 1925, 28th Nov. 1925, 28th June 1926, 29th July 1926, 12th Sep. 1925, 19th Nov. 1926, 5th Jan. 1926, 18th Sep. 1925, 27th Nov. 1926, 31st Aug. 1925, 10th Aug. 1925, 10th Sep. 1926, 22nd Nov. 1926, 6th Aug. 1926, 3rd Aug. 1926, 24th Aug. 1925, 21st June 1926, 18th Nov. 1926, 12th Aug. 1925, 15th July 1926, 10th June 1925, 18th Aug. 1926, 31st Aug. 1926, 27th Aug. 1926, 26th July 1926, 16th July 1926, 27th July 1926, 4th Aug. 1926, 26th Sep. 1927, 26th Aug. 1926, 27th Aug. 1927, 30th July 1927, 21st Jan. 1927, 30th Aug. 1927, 5th Oct. 1926, 28th June 1926, 20th Sep. 1926, 9th Nov. 1927, 18th Jan. 1927, 23rd Dec. 1925, 28th

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
	23rd June 1926, 21st Sep. 1926, 30th Sep. 1926, 28th May 1925, 13th May 1925, 21st Aug. 1926, 18th Aug. 1925, 24th June 1925, 26th Nov. 1925, 8th Aug. 1925, 21st Dec. 1926, 10th Aug. 1925, 25th Aug. 1925, 28th Sep. 1926, 21st Sep. 1926, 8th July 1925, 7th July 1924, 29th Aug. 1924, 23rd April 1925, 3rd Jan. 1925, 28th Jan. 1926, 22nd Oct. 1924, 30th May 1925, 2nd Oct. 1924.

Statement showing number of notices issued under section 34 during November, 1926, to March, 1928, in Calcutta.

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
1214. (Including 621 new cases in which the Section 34 assessments were the 1st assessments).	22nd June 1925, 25th Nov. 1925, 7th Sep. 1926, 25th Aug. 1925, 5th Mar. 1927, 5th Mar. 1927, 3rd June 1927, 21st Aug. 1925, 24th Feb. 1927, 23rd Oct. 1925, 24th Feb. 1927, 23rd Oct. 1925, 6th Nov. 1926, 20th May 1926, 3rd Sep. 1926, 25th Sep. 1926, 12th June 1926, 10th Aug. 1927, 25th Mar. 1928, 27th April 1927, 10th May 1927, 24th Aug. 1926, 26th Aug. 1926, 19th May 1928, 18th June 1927, 15th Dec. 1926, 9th Sep. 1926, 1st June 1927, 10th Mar. 1926, 22nd Dec. 1926, 17th Mar. 1927, 5th July 1926, 27th June 1927, 28th Sep. 1926, 3rd Aug. 1926, 28th Jan. 1927, 25th July 1927, 10th Nov. 1926, 25th June 1927, 18th Jan. 1926, 25th Aug. 1926, 8th July 1926, 8th July 1926, 10th June 1926, 22nd Jan. 1927, 14th Mar. 1927, 6th June 1927, 27th June 1926, 29th May 1925, 24th June 1926, 22nd Aug. 1926, 22nd Sep. 1926, 22nd Oct. 1926, 6th Aug. 1925, 9th Dec. 1926, 26th Oct. 1925, 10th June 1927, 24th Jan. 1927, 24th Nov. 1926, 28th Jan. 1926, 8th Sep. 1926, 12th Mar. 1927, 11th Mar. 1927, 16th Mar. 1927, 27th Aug. 1926, 12th Mar. 1927, 29th Mar. 1927, 7th Mar. 1925, 9th June 1925, 3rd Dec. 1926, 8th Sep. 1926, 31st Jan. 1926, 9th Dec. 1925, 27th Sep. 1926, 16th July 1925, 11th Sep. 1925, 14th Jan. 1927, 8th April 1927, 25th Jan. 1927, 29th June 1926, 15th Nov. 1927, 26th July 1926, 27th Sep. 1926, 22nd Sep. 1926, 27th Oct. 1927, 2nd Sep. 1926, 31st June 1927, 3rd Jan. 1928, 4th Jan. 1928, 5th Nov. 1927, 21st Mar. 1928, 5th Nov. 1927, 21st Mar. 1928, 28th Sep. 1926, 28th Sep. 1926, 20th Dec. 1926, 16th Feb. 1926, 22nd Feb. 1928, 24th Feb. 1928, 24th Feb. 1928, 25th Feb. 1928, 29th Feb. 1928, 8th July 1926, 10th Mar. 1928, 6th June 1926, 22nd Mar. 1928, 9th Nov. 1928, 29th Oct. 1926, 26th Mar. 1928, 28th Feb. 1927, 7th Jan. 1927, 26th May 1927, 26th May 1927, 22nd Nov. 1926, 9th Sep. 1925, 25th June 1927, 16th July 1927, 16th Mar. 1927, 2nd Sep. 1926, 1st Dec. 1926, 18th Nov. 1926, 27th July 1926, 17th Jan. 1927, 15th July 1927, 22nd Aug. 1926, 26th May 1927, 9th Feb. 1928, 13th Feb. 1928, 23rd Feb. 1928, 21st Sep. 1926, 11th Mar. 1927, 15th Feb. 1927, 26th Sep. 1927, 29th May

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
	1925, 27th Nov. 1925, 11th Aug. 1926, 20th March 1927, 7th Nov. 1927, 29th Jan. 1927, 24th Mar. 1927, 15th Mar. 1927, 30th Dec. 1925, 9th June 1927, 18th Sep. 1926, 23rd Feb. 1927, 22nd Feb. 1927, 19th Jan. 1928, 31st Aug. 1926, 1st Feb. 1928, 20th Jan. 1926, 5th Sep. 1925, 14th Nov. 1925, 27th Nov. 1926, 26th Nov. 1926, 15th Sep. 1926, 26th Aug. 1925, 26th Nov. 1926, 12th April 1927, 28th July 1927, 4th June 1927, 12th Jan. 1928, 17th Aug. 1927, 27th June 1927, 23rd June 1926, 23rd June 1926, 31st May 1927, 26th Aug. 1927, 22nd Sep. 1926, 12th Jan. 1928, 26th July 1926, 11th Aug. 1926, 10th Aug. 1926, 17th Dec. 1927, 28th Jan. 1927, 27th July 1926, 10th July 1926, 28th May 1927, 3rd Aug. 1926, 23rd June 1926, 23rd June 1926, 22nd June 1927, 10th Aug. 1926, 9th July 1926, June 1925, July 1925, Oct. 1925, Dec. 1925, Feb. 1926, Mar. 1926, May 1926, June 1926, Aug. 1926, Jan. 1927, Feb. 1927, June 1927, Feb. 1925, Jan. 1926, Feb. 1926, Aug. 1926, Sep. 1926, Nov. 1926, Dec. 26th, Jan. 1927, Mar. 1927, July 1927, Aug. 1927, Sep. 1927, March 1928, 18th Aug. 1926, 27th Sep. 1926, 30th Oct. 1927, 6th Dec. 1926, 12th Nov. 1926, 27th Sep. 1926, 6th Sep. 1926, 8th Mar. 1927, 28th Aug. 1926, 27th June 1926, 26th Oct. 1926, 12th Mar. 1927, 4th Oct. 1926, 28th Jan. 1927, 7th Dec. 1926, 23rd Dec. 1926, 21st Sep. 1926, 1st Sep. 1926, 29th Oct. 1926, 8th Sep. 1926, 23rd July 1926, 11th Aug. 1925, 24th June 1926, 14th Sep. 1926, 18th Jan. 1927, 8th Nov. 1926, 28th Sep. 1927, 27th Sep. 1926, 21st July 1927, 3rd Aug. 1926, 26th Aug. 1927, 29th July 1926, 23rd Feb. 1927, 10th July 1926, 13th Jan. 1927, 26th Aug. 1927, 31st Aug. 1925, 21st Sep. 1926, 8th Dec. 1926, 25th Nov. 1926, 30th July 1925, 30th Nov. 1926, 30th June 1926, 3rd Aug. 1925, 17th July 1925, 30th Jan. 1926, 24th July 1925, 29th Nov. 1926, 22nd June 1927, 14th July 1927, 31st July 1926, 20th Aug. 1927, 1th Jan. 1927, 21st Sep. 1926, 31st July 1926, 23rd Aug. 1926, 7th July 1926, 7th July 1926, 20th Aug. 1926, 16th Feb. 1927, 20th Aug. 1926, 8th Oct. 1926, 13th Oct. 1927, 22nd Dec. 1926, 29th Nov. 1926, 8th Sep. 1926, 15th Oct. 1927, 29th Nov. 1926, 26th Oct. 1926, 29th Sep. 1927, 20th Nov. 1926, 23rd May 1927, 8th Oct. 1926, 27th July 1926, 31st Oct. 1927, 9th Feb. 1927, 14th Mar. 1927, 7th Sep. 1926, 8th Feb. 1927, 30th Oct. 1926, 3rd Jan. 1927, 24th Aug. 1926, 21st Sep. 1926, 25th Nov. 1926, 16th March 1926, 15th July 1926, 31st Oct. 1925, 31st Aug. 1925, 28th Nov. 1925, 28th June 1926, 29th July 1926, 12th Sep. 1925, 19th Nov. 1926, 5th Jan. 1926, 18th Sep. 1925, 27th Nov. 1926, 31st Aug. 1925, 10th Aug. 1925, 10th Sep. 1926, 22nd Nov. 1926, 6th Aug. 1926, 3rd Aug. 1926, 24th Aug. 1925, 21st June 1926, 18th Nov. 1926, 12th. Aug. 1925, 15th July 1926, 10th June 1925, 18th Aug. 1926, 31st Aug. 1926, 27th Aug. 1926, 26th July 1926, 16th July 1926, 27th July 1926, 4th Aug. 1926, 26th Sep. 1927, 26th Aug. 1926, 27th Aug. 1927, 30th July 1927, 21st Jan. 1927, 30th Aug. 1927, 5th Oct. 1926, 28th June 1926, 20th Sep. 1926, 9th Nov. 1927, 18th Jan. 1927, 23rd Dec. 1925, 28th

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
	Sep. 1926, 22nd Nov. 1926, 13th Aug. 1926, 13th July 1927, 18th Aug. 1926, 11th Sep. 1927, 4th Aug. 1927, 27th July 1926, 28th Aug. 1926, 29th Oct. 1926, 28th July 1926, 17th Nov. 1925, 18th Feb. 1926, 29th Aug. 1925, 28th Nov. 1925, 17th July 1926, 22nd July 1927, 11th Jan. 1926, 18th Nov. 1926, 5th Aug. 1926, 29th June 1927, 31st Aug. 1926, 28th Feb. 1927, 22nd Dec. 1925, 6th Dec. 1926, 10th Oct. 1925, 21st Aug. 1926, 30th July 1925, 5th Jan. 1925, 30th July 1927, 9th Oct. 1925, 27th Oct. 1926, 30th Sept. 1926, 31st Jan. 1927, 2nd Aug. 1927, 9th Dec. 1926, 22nd Jan. 1927, 22nd March 1927, 12th Nov. 1925, 20th July 1927, 24th Sep. 1926, 30th Sept. 1926, 28th July 1926, 21st Dec. 1926, 30th Jan. 1926, 27th Sep. 1926, 5th Dec. 1925, 7th Sept. 1926, 25th Feb. 1927, 28th Dec. 1926, 11th March 1927, 14th March 1927, 24th Feb. 1927, 18th Nov. 1926, 18th Dec. 1926, 4th Jan. 1927, 15th March 1927, 4th Aug. 1925, 6th Aug. 1926, 6th Aug. 1926, 22nd March 1927, 13th Nov. 1925, 16th July 1925, 12th Sep. 1927, 28th July 1927, 21st Dec. 1925, 27th Nov. 1926, 21st Dec. 1925, 27th Nov. 1926, 21st Dec. 1925, 27th Nov. 1926, 3rd Aug. 1926, 4th Oct. 1926, 5th Oct. 1927, 6th August 1926, 12th Nov. 1926, 28th July 1927, 5th Oct. 1926, 6th Jan. 1927, 29th March 1926, 19th Aug. 1926, 14th July 1927, 1st Sep. 1926, 14th July 1927, 19th Aug. 1926, 17th Nov. 1926, 16th March 1926, 19th Nov. 1925, 22nd March 1926, 9th Sep. 1925, 16th Feb. 1926, 10th Sep. 1925, 2nd Oct. 1926, 11th June 1925, 12th July 1926, 25th Aug. 1926, 7th Dec. 1925, 27th Jan. 1926, 12th July 1926, 22nd Feb. 1926, 22nd May 1926, 31st Dec. 1926, 26th Jan. 1926, 31st May 1926, 15th Sep. 1926, 30th Nov. 1925, 28th Jan. 1926, 6th Feb. 1926, 15th Aug. 1925, 3rd July 1925, 29th June 1925, 20th July 1925, 7th July 1925, 13th Feb. 1926, 7th July 1925, 22nd March 1926, 24th Nov. 1925, 9th July 1926, 22nd March 1926, 13th Aug. 1925, 14th Oct. 1925, 15th June 1925, 18th July 1925, 25th July 1925, 18th Feb. 1926, 24th March 1926, 27th Jan. 1926, 25th Nov. 1926, 14th Aug. 1925, 22nd Feb. 1927, 12th Aug. 1925, 22nd Dec. 1926, 16th Nov. 1925, 30th Oct. 1926, 23rd June 1926, 13th June 1927, 14th May 1927, 30th July 1927, 27th Aug. 1927, 8th June 1927, 22nd Mar. 1927, 12th Feb. 1927, 29th Nov. 1926, 14th March 1927, 23rd Aug. 1926, 8th Sep. 1927, 16th Aug. 1927, 9th Nov. 1927, 10th July 1925, 11th Nov. 1925, 12th Oct. 1926, 4th Feb. 1927, 28th March 1927, 19th May 1927, 21st May 1927, 21st May 1927, 14th May 1927, 23rd July 1927, 25th Aug. 1927, 7th Sep. 1927, 19th Sep. 1927, 22nd Sep. 1927, 26th Sep. 1927, 1st Nov. 1927, 19th Nov. 1927, 1st Dec. 1927, 10th Dec. 1927, 21st Dec. 1927, 11th Jan. 1928, 12th Jan. 1928, 26th Jan. 1928, 15th Feb. 1928, 17th Feb. 1928, 1st March 1928, 7th March 1928, 7th March 1928, 10th March 1928, 10th March 1928, 10th March 1928, 29th March 1928, 30th March 1928, 30th March 1928, 30th March 1928, 27th June 1927, 4th Sep. 1926, 6th Nov. 1926, 3rd Oct. 1926, 17th Nov. 1926, 10th Aug. 1926, 8th Jan. 1927, 4th June 1926, 16th Aug. 1926, 17th June 1927, 23rd Nov. 1926, 17th June 1926,

No. of notices under Section 34.	Dates of original assessment in cases other than new cases.
	17th Dec. 1926, 20th Aug. 1926, 9th Oct. 1926, 1st Sep. 1927, 4th Aug. 1926, 1st Dec. 1926, 19th Nov. 1926, 4th Oct. 1926, 21st Sep. 1926, 20th Nov. 1926, 24th Nov. 1927, 14th Sep. 1926, 22nd Feb. 1926, 3rd Dec. 1926, 29th Jan. 1927, 22nd Oct. 1927, 19th Nov. 1927, 9th Aug. 1926, 22nd April 1927, 6th July 1926, 23rd Dec. 1926, 4th Jan. 1928, 5th July 1926, 28th Sep. 1926, 11th March 1927, 14th Feb. 1927, 14th Feb. 1927, 11th Jan. 1927, 4th June 1925, 11th Dec. 1925, 20th July 1925, 3rd May 1926, 16th Sep. 1925, 16th Feb. 1927, 10th Aug. 1926, 25th Aug. 1926, 15th March 1927, 29th June 1927, 19th Nov. 1927, 25th Aug. 1926, 23rd Feb. 1927, 22nd Feb. 1927, 20th Dec. 1926, 6th Aug. 1926, 23rd June 1926, 17th Sep. 1926, 9th Aug. 1926, 28th Sep. 1926, 28th Sep. 1926, 8th Aug. 1927, 19th Aug. 1926, 29th July 1926, 19th Nov. 1926, 27th Aug. 1927, 26th Dec. 1926, 18th Jan. 1927, 30th July 1926, 26th June 1925, 29th Nov. 1926, 9th Aug. 1926, 15th Sep. 1926, 5th Oct. 1926.

Statement showing number of notices under section 34 issued, during September, 1924 to February, 1925, in Calcutta.

No. of notices issued under Section 34.	Dates of original assessment in cases other than new cases.
67. (Including 28 new cases in which the Section 34 assessments were the 1st assessments.)	25th Sep. 1924, 26th Sep. 1924, 22nd Nov. 1924, 9th Dec. 1924, 25th Oct. 1924, Dec. 1924, 11th Nov. 1924, 20th Nov. 1924, 30th Dec. 1924, 30th Sep. 1924, 29th Feb. 1924, 17th Feb. 1925, 26th Nov. 1924, 26th July 1923, 11th July 1923, 18th Nov. 1924, 13th Jan. 1925, 17th Jan. 1925, 27th Feb. 1925, 29th Sep. 1924, 7th Nov. 1924, 22nd Nov. 1924, 10th Dec. 1924, 11th March 1925, 20th Jan. 1925, March 1924, 10th Sep. 1924, 17th Nov. 1924, 14th Nov. 1924, 5th March 1924, 19th Nov. 1923, 25th Jan. 1924, 8th March 1924, 8th Jan. 1924, 23rd Oct. 1924, 3rd Dec. 1924, 13th Jan. 1925, 23rd Feb. 1925, 27th Feb. 1925.

GIVING OF REASONS FOR A DECISION OR AN ASSESSMENT MADE BY THE INCOME-TAX OFFICER.

68. ***Mr. A. H. Ghuznavi**: (*a*) Do Government propose to restart the practice which had prevailed till recently in the Income-tax Department in Calcutta of giving reasons for a decision or for an assessment made by the Income-tax Officers in the copies of such orders or assessments supplied by that Department to the assessees ?

(*b*) Are Government aware that copies of assessment orders as are at present given contain certain figures only and not the reasons for arriving at such figures of income ? If not, do Government propose to enquire if it is a fact ?

The Honourable Sir Bhupendra Nath Mitra : (a) and (b). The Honourable Member is presumably referring to assessments made under section 23 (4) of the Indian Income-tax Act, against which no appeal lies on the merits. In such cases the law does not require the Income-tax Officer, as it does in cases falling under section 23 (3), to record a written assessment order, and the Government understand that for the last two years—approximately—such orders have not been recorded in Calcutta. The Government are not prepared to impose on the Income-tax Officers an obligation that the Legislature have not thought it necessary to impose on them. In cases under section 23 (3) detailed assessment orders are recorded.

APPOINTMENT OF PERSONS WITH JUDICIAL EXPERIENCE AS ASSISTANT COMMISSIONERS OF INCOME-TAX.

69. ***Mr. A. H. Ghuznavi** : Do Government propose to appoint persons with sufficient judicial experience to the posts of Assistant Commissioners of Income-tax, as these officers are required to decide questions judicially ?

The Honourable Sir Bhupendra Nath Mitra : The attention of the Honourable Member is invited to the speech made by the Honourable Mr. A. C. McWatters on this subject in the Council of State on March 10th, 1926, which represents the views of the Government. He will there see that as a matter of fact at that time about 3/4ths of the Assistant Commissioners were officers with judicial experience.

PAY OF THE POSTMASTER, SILCHAR.

70. ***Mr. Anwar-ul-Azim** : (1) Will the Government be pleased to lay on the table the following information regarding the (1) Silchar Telegraph Office, (2) Silchar Record Office, and (3) Silchar Post Office, separately :

(a) the pay of the Telegraph Master, Head Record Clerk and Postmaster at Silchar on the 1st April, 1928 ;

(b) the total number of employees who are subordinate to the Telegraph Master, the Head Record Clerk and the Head Postmaster on the 1st April, 1928 ;

(c) the monthly average cash handled at the Telegraph Office, Head Record Office and the Head Post Office during 1927-28 ;

(d) the monthly average receipt and expenditure of the cash account for which the (1) Telegraph Master, (2) Head Record Clerk, and (3) Postmaster are responsible ; and

(e) the total value of insured articles and V. P. articles dealt with by the Head Record Office and Post Office at Silchar separately during 1927-28 ?

(2) Is it a fact that the duties of the Postmaster at Silchar are more responsible than those of the Telegraph Master and Head Record Clerk at Silchar ?

(3) If so, will Government be pleased to state the reasons why the pay of the Postmaster, Silchar, is less than that of the Telegraph Master or the Head Record Clerk at Silchar ?

Mr. P. G. Rogers : (1) A statement giving the information asked for will be furnished to the Honourable Member.

(2) No.

(3) Does not arise.

GRADING OF POSTAL ACCOUNTANTS.

71. ***Mr. Anwar-ul-Azim** : Are the Government aware of the fact that the Accountants attached to the Divisional offices of the Public Works Department in Assam are graded with those of the office of the Comptroller of Assam and that their posts are exchangeable ? If so, will Government be pleased to state whether they intend to introduce a similar procedure with regard to the Accountants of the Post Offices ?

Mr. P. G. Rogers : The facts are as stated by the Honourable Member. Government do not propose to introduce a similar procedure in the Post Office.

APPOINTMENT OF A MUSSALMAN AS ASSISTANT POSTMSATER GENERAL IN THE BENGAL AND ASSAM CIRCLE.

72. ***Mr. Anwar-ul-Azim** : Is it a fact that the post of a Superintendent of Post Offices has fallen vacant by the premature death of Moulvi Abdur Rohim, Assistant Postmaster General in the Bengal and Assam Circle ? If so, do Government propose to issue instructions to fill up the vacancy by a member of the Mussalman community ?

The Honourable Mr. A. C. McWatters : Sir, as questions numbers 72, 73, 75, 78 and 201, all turn on the same point, I propose with your permission to deal with them together. Each question contains the suggestion that in connection with promotions within the Posts and Telegraphs Department a certain reservation should be made in favour of members of the Muslim community. As has already been stated on behalf of Government on more than one occasion, in making promotions from a lower to a higher grade of the department the guiding principle is efficiency. The representation of minority communities is secured by the reservation of vacancies for direct recruitment and Government are not prepared to give weight to communal considerations when it is a question of making promotions. In these circumstances it does not appear that any useful purpose would be served by the collection of all the particulars asked for by the Honourable Member in connection with some of these questions.

RECRUITMENT OF MUSSALMAN GRADUATES IN THE CLERICAL CADRE OF THE POST OFFICE.

† 73. ***Mr. Anwar-ul-Azim** : (*i*) With reference to my starred question No. 291 put on the 24th February, 1928, will the Government be pleased to state whether it is a fact that the officials who had passed the Inspectors and Head Clerks' examination are exempted from the Selection Grade examination ?

(*ii*) If so, do Government propose to furnish a statement showing the number of graduates and non-graduates separately under (*a*) Hindus, (*b*) Mussalmans, and (*c*) others separately Circle by Circle who will be eligible for appointment in the newly created Selection Grade and also the number of graduates and I. A.'s in each community ?

(*iii*) Do Government propose to take any special action to have a greater number of Mussalman candidates for the Selection Grade appointments ?

(*iv*) If so, will Government please state the nature of the action proposed to be taken ? Will the Government be pleased to state the number of graduates and non-graduates of departmental officials separately who have passed the examination for the appointment of Superintendent of Post Offices [(*a*) Hindus, (*b*) Mussalmans, and (*c*) others should be shown separately] ?

(*v*) Will Government be pleased to lay on the table a statement showing the number of graduate clerks, (*a*) Hindus, (*b*) Mussalmans, and (*c*) others Circle by Circle in the Department on the 1st June, 1928 ?

(*vi*) If the number of Mussalman graduates is found less than that of the other communities, do Government propose to take any special action for the recruitment of Mussalman graduates in the clerical cadre ? If so, what ?

NUMBER OF APPOINTMENTS FILLED UP BY MUSSALMANS IN THE POSTS AND TELEGRAPH DEPARTMENTS IN 1927-28.

74. ***Mr. Anwar-ul-Azim** : With reference to my starred question No. 292 asked on the 24th February, 1928, will Government be pleased to furnish a statement showing the number of fresh appointments made during 1927-28 by each of the officers who are empowered to fill up appointments and the number of appointments filled up by Mussalmans in the Posts and Telegraph Departments separately (the number of graduates and non-graduates, Mussalmans and Hindus, should be shown separately) ?

The Honourable Mr. A. C. McWatters : The information asked for by the Honourable Member is being collected and will be supplied to him.

APPOINTMENT OF MUSSALMANS AS PROBATIONARY SUPERINTENDENTS OF POST OFFICES.

†75. ***Mr. Anwar-ul-Azim** : With reference to my starred questions Nos. 358 and 359 asked on the 7th March, 1928, do Government propose to take any special action to bring the number of Mussalmans to the required number on the waiting list ? If so, what ? Will the Government be pleased to state why the required number of Mussalmans were not selected to appear at the examination ? Is there any order as to what portion of Superintendents posts should go to Mussalmans ? If not, do Government propose to fix it now in order to prevent the preponderance of any one community or class in these appointments ? Do Government propose to issue orders to hold future examinations exclusively for Mussalmans or to reserve the future vacancies of Probationary Superintendents for Mussalmans in order to give the community their proper share in these services ? If not, why ?

†For answer to this question, *see* answer to question No. 72.

ORDERS ISSUED BY THE DIRECTOR GENERAL OF POSTS AND TELEGRAPHS REGARDING MINORITY COMMUNITIES.

76. ***Mr. Anwar-ul-Azim** : With reference to unstarred question No. 281 asked by Khan Bahadur Sarfaraz Hussain Khan on the 7th March, 1928, will Government be pleased to state why other services such as telegraphists, overseers, postmen and menials, etc., of the Posts and Telegraph Departments were not mentioned in the orders of the Director General of Posts and Telegraphs, G. I. No. A. M.-516|12|27, dated the 22nd November 1927, referred to in the reply ? Do the Government consider it necessary to instruct the Director General to issue immediate similar orders in respect of other services under him ? If not, why ?

The Honourable Mr. A. C. McWatters : Other grades are being dealt with by the issue of separate orders. The orders of the Director-General referred to by the Honourable Member, dealt with the clerical staff only.

Mr. K. Ahmed : Sir, I wanted to put my supplementary question to the previous reply, and I suppose under the standing Rules and Orders I am entitled to do so.

Mr. President : The Honourable Member is entitled to put a supplementary question to the last reply.

Mr. K. Ahmed : I stood up before that.

Mr. President : The Honourable Member was a little too late. Maulvi Muhammad Yakub.

Mr. K. Ahmed : I rise on a point of order, Sir. I submit that the Chair must allow me the privilege of a Member of this House of putting a question when I am entitled to do so.

Mr President : Does the Honourable Member desire to ask any supplementary question on the last reply ?

Mr. K. Ahmed : The previous questions were answered at one stretch without being put by the questioner. Does that mean that supplementaries are to be shut out.

Mr. President : Maulvi Muhammad Yakub.

†77.

GRANT TO THE MUSLIMS OF THEIR PROPER SHARE OF POSTS OF GAZETTED POSTMASTERS.

‡78. ***Mr. Anwar-ul-Azim** : (*a*) Will Government be pleased to state the number of (1) Muslim, (2) Hindu, and (3) others gazetted Postmasters, Circle by Circle ?

(*b*) Is it a fact that the posts of gazetted Postmasters are filled up by selection ? If so, why was the proper share not given to the Muslim community ?

(*c*) Is it a fact that 17 posts are going to be raised to the rank of gazetted Postmasters ? If so, do the Government propose to reserve at least half of these posts for the members of the Muslim community ? If not, why ?

†79.

†80.

PROMOTION OF GUARDS IN THE MORADABAD CIRCLE.

81. ***Maulvi Muhammad Yakub** : (*a*) Is it a fact that certain Muslim and Anglo-Indian railway guards, in C. and D. grades, will shortly be retiring from Moradabad Circle ?

(*b*) Is it also a fact that certain outsiders have been imported by the Moradabad D. S. and they have been temporarily appointed in order to deprive the local guards of their promotion when the vacancies actually occur ?

(*c*) Do Government propose to make an immediate enquiry into the matter and see that local guards are not deprived of their well earned promotion ?

Mr. A. A. L. Parsons : (*a*) No.

(*b*) 11 temporary guards have been appointed by the Divisional Superintendent, Moradabad, since 8th December 1927. These men have not been appointed to deprive any guard of promotion.

(*c*) No.

EMPLOYMENT OF RAILWAY MENIAL STAFF BY THE ASSISTANT SUPERINTENDENT, POWER HOUSE, MORADABAD, ON HIS PRIVATE WORK.

82. ***Maulvi Muhammad Yakub** : Are Government aware that there is a general complaint against the Assistant Superintendent, Power House, Moradabad, of taking private service from the railway menial staff of the Locomotive Shed, Moradabad ? What action, if any, was taken against the officer concerned ?

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†For this question and its answer, see the end of questions.
‡For answer to this question, see answer to question No. 72.

ALLEGED MISUSE OF GOVERNMENT STORES BY THE CHARGEMEN, ELECTRIC POWER HOUSE, CHANDAUSI, AND THE RUNNING SHED FOREMAN, SHAHJAHANPORE.

83. ***Maulvi Muhammad Yakub** : (*a*) Are Government aware that cases of the misuse of Government stores were reported against the Chargeman, Electric Power House, Chandausi, and the Running Shed Foreman, Shahjahanpore ?

(*b*) Will Government be pleased to state what action, if any, was taken against the officers concerned ?

Mr. A. A. L. Parsons : With your permission, Sir, I propose to answer questions Nos. 82 and 83 together. The Railway Board understand that certain representations on these matters have been made to the Agent, East Indian Railway, and as he is quite competent to deal with them, the Railway Board do not propose to take any action.

Maulvi Muhammad Yakub : If the Agents do not take any action in these matters, what is the remedy of the persons who suffer ?

Mr. A. A. L. Parsons : The Agent is the final authority in these matters.

Maulvi Muhammad Yakub : What is the Railway Board then constituted for ?

Mr. A. A. L. Parsons : To be the final authority in those matters which are not delegated to Agents.

Lieutenant-Colonel H. A. J. Gidney : Is it or is it not a fact that when such matters come to the notice of the Railway Board from the Agents that it is the duty of the Railway Board to make enquiries and adjudicate ?

Mr. A. A. L. Parsons : No, Sir.

Lieutenant-Colonel H. A. J. Gidney : I ask again what is the use of the Railway Board, Sir.

Maulvi Muhammad Yakub : Have not the Railway Board reserved any authority for themselves ?

Mr. A. A. L. Parsons : The position is that in certain matters appeal or review lies to or with the authority next above either the appointing authority or the authority who took a particular action. If that authority is, say, the Divisional Superintendent at Moradabad, the appeal would ordinarily lie only to the Agent and not to the Railway Board, and as a matter of administration the Railway Board do not ordinarily interfere with the decision of Agents in matters of this kind.

Maulvi Muhammad Yakub : Then are we to understand that the Agents are not subordinate to the Railway Board ?

Mr. A. A. L. Parsons : No, Sir. You are not to understand that.

Mr. N. M. Joshi : May I ask whether it is permitted by the Railway Board that railway servants can utilise menials for their private purposes ?

Mr. A. A. L. Parsons ; No, Sir : it is not the opinion of the Railway Board that subordinate or other officers should be permitted to utilise menials paid from Railway revenues for their private service, but it is a matter which the Agent of the Railway is perfectly competent to deal with and to stop.

The Revd. J. C. Chatterjee : It is one of the matters of principle that subordinates and officers should not utilise menials for their private work. Is it not more a matter of principle than a small matter of procedure ?

Mr. President : It is a question of opinion.

Mr. K. Ahmed : Is the Honourable Member aware that he is representing the Railway Department here and that he has to answer any question put by a Member, and be responsible.

Mr. A. A. L. Parsons : I appear to have been answering a good many questions.

Lieutenant-Colonel H. A. J. Gidney : Does the Railway Board consider Railway Agents to be infallible ?

Mr. A. A. L. Parsons : No, Sir. The Railway Board consider no one, not even themselves, infallible.

ABOLITION OF THE POST OF SECOND GUARD ON THE EAST INDIAN RAILWAY.

84. ***Maulvi Muhammad Yakub** : (*a*) Are Government aware that the East Indian Railway has abolished the post of second guards on all trains as a result of which the safety of the travelling public is in danger and several cases of accidents to passengers have occurred ?

(*b*) Do Government propose to direct the revival of the post of second guards as they are employed on other Railways ?

Mr. A. A. L. Parsons : Government are aware that the posts of second guards have been abolished on the East Indian Railway ; they do not agree that the abolition has had the effect suggested by the Honourable Member. I may inform him that one of the duties imposed upon the Crew staff is to see that passengers are comfortably accommodated and the Agent reports that as a result the position is quite satisfactory. Government do not therefore propose to direct the revival of the posts of second guards.

NUMBER OF HINDUS AND MUSSALMANS IN THE DIVISIONAL SUPERINTENDENT'S OFFICE, MORADABAD, EAST INDIAN RAILWAY.

85. ***Maulvi Muhammad Yakub** : Will the Government be pleased to state how many Brahmins, how many other Hindus and how many Mussalmans there are in the Divisional Superintendent's Office, East Indian Railway, Moradabad, and how many Brahmins, how many Hindus and how many Mussalmans got promotions and allowances and of what amount during the last two years ?

Mr. A. A. L. Parsons : Government regret that, as has previously been explained in this House, they are not prepared to supplement the figures with regard to communal representation given in Appendix F in Volume I and Appendix C in Volume II of the Report on Indian Railways for 1926-27 by details for individual offices or appointments. Their objection applies equally to the supply of information as to promotions and allowances by communities in individual offices.

Kumar Ganganand Sinha : May I know, Sir, whether Brahmins are or are not classed under Hindus ?

Mr. A. A. L. Parsons : I presume so, Sir.

Mr. President : I have been informed by Mr. Kelkar that he has authorised Mr. Belvi to put his questions. Has the Honourable Member authority to put those questions ?

Mr. D. V. Belvi : Yes, Sir.

Mr. President : Mr. Belvi.

RAILWAYS PURCHASED AT A PRICE DETERMINED OTHERWISE THAN AS A MULTIPLE OF THEIR AVERAGE NET EARNINGS.

86. ***Mr. D. V. Belvi** (on behalf of Mr. N. C. Kelkar) : Will Government kindly state which of the following 19 Railways were purchased at a price determined otherwise than as a multiple of their average net earnings :

(1) Bengal Central.
(2) Bombay, Baroda and Central India.
(3) Brahmaputra Sultanpur.
(4) Delhi Umballa Kalka.
(5) Deoghur.
(6) Eastern Bengal.
(7) Great Indian Peninsula.
(8) East Indian.
(9) Kalka Simla.
(10) Mymensingh Jamalpur Jagannathganj.
(11) Madras.
(12) Nilgiri.
(13) Noakhali (Bengal).
(14) Oudh and Rohilkhand.
(15) Ranaghat Krisnagar.
(16) Scinde, Punjab and Delhi.
(17) Segowly Raxaul.
(18) South Indian.
(19) Tarkessur.

Mr. A. A. L. Parsons : I am having the information, which involves a research into papers of the seventies, exhumed and will send it to the Honourable Member when it is ready.

BRANCH LINES.

87. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Will Government kindly lay on the table a statement for the year 1926-27 showing the branch lines built under Government of India, Railway Department Resolution No. 2131-F. of February 19, 1925, with their gross earnings, working expenses, net earnings or deficits, and the amounts received against the deficits from Local Governments or local authorities ?

Mr. A. A. L. Parsons : I lay on the table a statement giving the information required.

STATEMENT.

The only line for which a guarantee from a Local Government was due for the full period of year 1926-27 is the Moulmein-Ye Railway in Burma. The figures required by the Honourable Member are given below :

	Rs.
(1) Gross earnings (including extra traffic on the Main Line) ..	5,09,722
(2) Working expenses (including hire for rolling stock) ..	3,51,478
(3) Net earnings	1,69,244
(4) Interest on Capital	5,67,177
(5) Guarantee payable by the Government of Burma ..	3,97,933

TOTAL AMOUNT OF REDUCTION IN STORES BALANCE FOR THE QUINQUENNIUM ENDING MARCH 31, 1927.

88. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Will Government kindly lay on the table a statement showing for the quinquennium ending March 31, 1927, the total amount of reduction in Stores balance ; amount due to scrapping, or sale as scrap, of stores, machinery, etc. ; amount due to sale of old stores, machinery, etc., as secondhand ; and amount due to mere adjustment in Stores accounts ?

Mr. A. A. L. Parsons : I am sending the Honourable Member a statement giving whatever information it has been possible to collect. It has not been possible to obtain figures for five years from all railways.

ADOPTION ON INDIAN RAILWAYS OF THE LAYCOCK TYPE OF AUTOMATIC COUPLER IN USE OF SOUTH AFRICAN RAILWAYS.

89. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Have Government considered the question of adoption on Indian Railways of the Laycock type of automatic coupler (central) in use on the South African Railways ; and if so, in what respects has it been found unsuitable for adoption in India ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative. In fact Government are not aware of the existence of an automatic coupler of this name, and will be very glad if the Honourable Member can put them in the way of obtaining designs of it.

OMISSION FROM VOLUME II OF THE RAILWAY ADMINISTRATION REPORT OF THE TRANSACTIONS OF THE FINE FUNDS.

90. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Are Government aware that a statement showing the transactions of the Fine Funds used to be incorporated in Volume II of the Railway Administration Report up to 1921-22 and that it has been omitted from subsequent reports ; if so, will Government kindly state the reasons which led to its omission ?

Mr. A. A. L. Parsons : The statement showing the transaction of the Fine Funds was omitted on the recommendation of the Committee for the revision of statistics on Indian Railways. The reasons which they gave for proposing the omission were that these statistics have no direct bearing upon the working of railways.

Mr. N. M. Joshi : May I ask whether the Fines Fund is administered by the railway authorities, and if anyone wants to know how the fund is being administered, where is he to get that information from ?

Mr. A. A. L. Parsons : If I am right, Sir, the Honourable Member will succeed in extracting that information from me in reply to a question which he has on the paper later on.

STATEMENT SHOWING RAILWAYS WHICH WERE UNDER CONSTRUCTION AT THE BEGINNING OF 1922-23 FROM STATE FUNDS.

91. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Will Government kindly lay on the table a statement showing railways which were under construction at the beginning of 1922-23 from State funds and the outlay incurred on them during the period 1922-23 to 1926-27 ?

Mr. A. A. L. Parsons : The information asked for is being obtained and will be furnished to the Honourable Member on receipt.

EXTENSION OF THE LEE CONCESSIONS TO THE EMPLOYEES OF THE COMPANY-MANAGED RAILWAYS.

92. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Will Government kindly lay on the table a copy of the correspondence which has passed between the Government of India and the Secretary of State for India on the subject of the extension of the Lee concessions to the employees of the Company-worked Railways ?

Mr. A. A. L. Parsons : Government regret that they are not prepared to lay this correspondence on the table.

MAKING OF SPECIAL YEARLY PAYMENTS INTO THE DEPRECIATION FUND.

93. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Have Government considered the question of making special yearly payments into the Depreciation Fund against past arrears of depreciation, in addition to the payments that are at present being made into it against current depreciation ; if so, what are the difficulties which make such special payments undesirable or impracticable ?

Mr. A. A. L. Parsons : It has not been necessary to consider the question since, in spite of heavy payments from the Depreciation Fund in the last four years, a balance of about nine crores has been built up in the Fund.

RAILWAYS CONSTRUCTED OR SANCTIONED FOR CONSTRUCTION DURING THE YEARS 1922-23 TO 1926-27 FOR THE OPENING OF NEW COALFIELDS, ETC.

94. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Will Government kindly lay on the table a statement showing railways constructed or sanctioned for construction during the years 1922-23 to 1926-27 for the opening up of new coalfields and the outlay incurred on them during that period ?

Mr. A. A. L. Parsons : A statement giving the information required is laid on the table.

Statement showing railways constructed or sanctioned for construction during the years 1922-23 to 1926-27 for the opening of new coalfields and the outlay incurred on them during that period.

Name of railway.	*Outlay incurred up to 31st March 1927.*
	Rs.
1. Talchar Coalfield	93,90,579
2. Kedla Branch	30,460
3. Angada Branch	3,63,518
4. Barkakhana Chandil	1,67,27,826
5. Bermo Duneya Section of Bokaro Ramgarh Extension ..	48,06,775
6. South Karanpura Coalfields	40,01,247
7. Kasta Coalfields	25,98,335
8. Anuppur-Karimati section (C. I. C. Ry.)	36,18,664
9. Daltongunj-Barkakhana Section (Central Indian Coalfields Railway) including Bhurkunda Siding	70,23,112
10. Chitmiri and Jhagrakhand Sidings (Central Indian Coalfields Railway)	23,048

CREDITING TO THE RAILWAY REVENUE RECEIPTS OF THE INTEREST ON THE RESERVE FUND OF INDIAN RAILWAYS.

95. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Will Government kindly state why interest on the Reserve Fund of Indian Railways is credited to the Railway revenue receipts instead of to the Reserve Fund itself as is done in the Belgian State Railways—*vide* paragraph 5 at page 18 of Annexure 1 to the Proceedings of the Standing Finance Committee for Railways, Volume II, No. 1 ?

Mr. A. A. L. Parsons : The course at present adopted is in accordance with the terms of the convention under which the Assembly agreed to the separation of railway from general finances, and it is for this reason that it has been adopted.

NUMBER AND COST OF LOCOMOTIVES DEBITED TO THE DEPRECIATION FUND, ETC.

96. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : With reference to the answer given on 28th March 1927 to starred question No. 1276, will Government kindly state the number and cost of locomotives debited to the Depreciation Fund and the amount of the sale proceeds credited to Revenue and quote reference to the specific Rules in Annexure B, Volume I, No. 1, of the Proceedings of the Standing Finance Committee for Railways ?

Mr. A. A. L. Parsons : The number debited to the Depreciation Fund was 101, and the cost sixty lakhs thirty-one thousand rupees, and the sale proceeds credited to Revenue thirty-four lakhs seventy-nine thousand rupees. The relevant rules are 3 (*a*) and 6.

AMOUNT OF THE DEPRECIATION FUND THAT SHOULD HAVE BEEN BUILT UP FROM THE REVENUES OF PAST YEARS, ETC.

97. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : With reference to the answer given on 28th March 1927 to starred question No. 1269, do Government propose to ascertain the amount of the Depreciation Reserve that should have been built up from the revenues of past years but is not at present accumulating in the Depreciation Fund ; and if not, why not ?

Mr. A. A. L. Parsons : The answer to the first part of the question is in the negative, and to the second, that Government do not consider that any practical benefit would be obtained from the lengthy and laborious investigation suggested.

RELIEF TO THE CAPITAL ACCOUNT OF THE SUM SPENT ON ABANDONED RAILWAY PROJECTS.

98. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : With reference to the answer given on 28th March 1927, to starred question No. 1272, will Government kindly state when they propose to relieve the capital account of the amount of Rs. 32,86,316 spent on abandoned projects ?

Mr. A. A. L. Parsons : There is no immediate proposal to this effect.

NUMBER OF VEHICLES CONDEMNED BUT NOT YET REPLACED ON THE NORTH WESTERN RAILWAY.

99. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : With reference to the remarks " Excludes vehicles condemned but not yet replaced " occurring at the foot of page 82 of the Railway Administration Report for 1925-26, Volume II, will Government kindly state what is the number of such wagons on the North Western Railway and whether their cost is still standing at the debit of the capital account, and if so, why ?

Mr. A. A. L. Parsons : The number at the close of the financial year 1925-26 was 1,147. 1,004 have since been replaced, and it is proposed to replace the balance of 143 in 1929-30. The cost on account of these 143 vehicles still remaining at debit to capital is, in round figures, Rs. 3,90,000. It will be written back when they are replaced.

DUTIES AND QUALIFICATIONS OF THE FINANCIAL COMMISSIONER OF RAILWAYS.

100. *Mr. D. V. Belvi (on behalf of Mr. N. C. Kelkar) : Will Government kindly state :

(*a*) the duties and qualifications required of the Financial Commissioner of Railways.

(*b*) his position *vis a vis* the Finance Department on the one hand and the Railway Department on the other,

(*c*) whether an attempt was made to secure the services of a non-service Indian for the post when it last fell vacant ?

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THIRD SESSION

of the

THIRD LEGISLATIVE ASSEMBLY

1928

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1929

Legislative Assembly.

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THE HONOURABLE MR. V. J. PATEL.

Deputy President :

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MAULVI MUHAMMAD YAKUB, M.L.A., *Chairman.*

MR. JAMNADAS M. MEHTA, M.L.A.

MR. K. C. NEOGY, M.L.A.

MIAN ABDUL HAYE, M.L.A.

MIAN MOHAMMAD SHAH NAWAZ, M.L.A.

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THE LEGISLATIVE ASSEMBLY DEBATES

(Official Report)

VOLUME III

THIRD SESSION

OF THE

THIRD LEGISLATIVE ASSEMBLY,

1928

SIMLA
GOVERNMENT OF INDIA PRESS
1928

THE

LEGISLATIVE ASSEMBLY DEBATES

(OFFICIAL REPORT OF THE THIRD SESSION OF THE THIRD LEGISLATIVE ASSEMBLY.)

VOLUME III—1928.

LEGISLATIVE ASSEMBLY.

Tuesday, 4th September, 1928.

The Assembly met in the Assembly Chamber in Simla at Eleven of the Clock, being the first day of the Third Session of the Third Legislative Assembly, pursuant to S. 63D (2) of the Government of India Act. The President (the Honourable Mr. Vithalbhai Javerbhai Patel) was in the Chair.

MEMBERS SWORN :

The Honourable Mr. Arthur Cecil McWatters, C.I.E. (Member for Industries and Labour) ; Mr. Philip Graham Rogers, C.I.E., M.L.A. (Director-General of Posts and Telegraphs) ; Mr. Hattiangadi Shankar Rau, M.L.A. (Finance Department : Nominated Official) ; Mr. Lalchand Navalrai, M.L.A. (Sind : Non-Muhammadan Rural) ; Diwan Bahadur Thodala Raghavayya Pantulu Garu, C.S.I., M.L.A. (Madras : Nominated Official) ; Mr. Sorab Manekshah Bharucha, M.L.A. (Bombay : Nominated Official) ; Mr. Maurice Webb, M.L.A. (Bombay : Nominated Official) ; Mr. Carleton Moss King, C.I.E., M.L.A. (United Provinces : Nominated Official) ; Rai Bahadur Shyam Narayan Singh, C.B.E., M.L.A. (Bihar and Orissa : Nominated Official) ; Mr. Ghazanfar Ali Khan, O.B.E., M.L.A. (Central Provinces : Nominated Official) ; Mr. James Hezlett, C.I.E., M.L.A. (Assam : Nominated Official) ; Captain Hira Singh Brar, Sardar Bahadur, M.B.E., M.L.A. (Punjab : Nominated Non-Official) ; and Sir James Simpson, Kt., M.L.A. (Associated Chambers of Commerce : Nominated Non-Official).

QUESTIONS AND ANSWERS.

DEPRESSED AND UNTOUCHABLE CLASSES IN INDIA.

1. ***Lala Lajpat Rai** : Will Government be pleased :

(*a*) to lay on the table a list of the classes or castes or sub-castes which are considered " untouchable " ?

to inform the House what classes are considered " depressed " besides or in addition to the untouchables ?

The Honourable Mr. J. Crerar : (*a*) I place on the table a list of castes which are generally, according to local usage and custom, regarded as untouchable, and which have been classified as such in previous census and educational reports. I wish to make it clear that the Government of India do not regard this list as final, exhaustive or authoritative. Whether a caste is regarded as touchable or untouchable must depend on local custom which is variable and, we may reasonably hope, will prove to be a progressive factor. I also understand that the degrees of untouchability are not the same throughout India but vary from place to place.

(*b*) The classes generally considered as depressed beside or in addition to the untouchables are hill tribes, aboriginals and criminal tribes.

List of castes in the provinces which are considered "un

Madras—

Haddis.	Bavuris.
Dandasis.	Medaris.
Malas.	Madigars.
Parayans.	Panchamas.
Holeyas.	Valluvan.
Chakkiliyan.	Pallan.
Korogas.	Cherumas.
Nayadis.	Kotas.

Bombay—

Mahars.	Holeyas.
Dheds.	Mangs.
Madigs.	Chambhars.
Chamars.	Mochis.
Bhangis.	Dhors.
Khalpas.	Shindhavas
Turis.	Kolahas.

Bengal—

Bagdi.	Bauri.
Bhuinmali.	Bhuiya.
Bhumij.	Chamar.
Dhoba.	Dom.
Dosadh.	Hari.
Kaora.	Kora.
Mal.	Muchi.
Munda.	Namasudra.
Oraon.	Pod.
Santal.	Sunri.
Tiyar.	

United Provinces—

Dhobis.	Koris.
Rangsaz.	Saiqalgars.
Balahis.	Baheliya.
Rajs.	Sunkars.
Dhanuks.	Tarmolis.
Rangrez.	Gharamis.

United Provinces—contd.

Balahars.	Bhangis.
Bengalis.	Bansphors.
Chamars.	Domars.
Bajgis.	Khatiks.

Punjab—

Chamars.	Chuhra.

Bihar and Orissa—

Bhangis.	Doms.
Halalkhor.	Hari.
Mehtar.	Turi.
Ahir Gaura.	Bauri.
Chamar.	Dhoba.
Ghasi.	Ghasuria.
Gokha.	Kandra.
Kela.	Maharia.
Pan.	Muchi.
Siyal.	Ganda.

Central Provinces—

Balahi.	Basor.
Chamar.	Dhobi.
Ganda.	Ghasia.
Katia.	Kori.
Kumhar.	Mehra.
Mang.	Mehtar.

Panka.

Lala Lajpat Rai : Why are the criminal tribes classed as depressed classes ? Is there any particular reason for that ? Is it because they are criminal ?

The Honourable Mr. J. Crerar : I think the reason is that criminal tribes are mostly also in a depressed condition.

Lala Lajpat Rai : There are many other classes besides the depressed classes which are in a depressed condition—particularly the women of this country. Would you class them among the depressed classes ?

Rao Bahadur M. C. Rajah : Will the Government be pleased to state why they are called the depressed classes ?

The Honourable Mr. J. Crerar : It is very difficult to find an alternative term to describe what is intended to be described.

Mr. K. Ahmed : Will the Honourable Member be pleased to state whether a poor fakir or a beggar living on charity not belonging to the depressed classes is classed as belonging to the depressed classes ? What about the famine stricken people ?

The Honourable Mr. J. Crerar : No, Sir ; I think the answer to that is in the negative.

Mr. Amar Nath Dutt : Will the Honourable Member say whether the Government consider Indians, who are under foreign domination, as members of the depressed class ?

Mr. President : Order, order.

Lala Lajpat Rai : Will the Honourable Member say whether any local inquiry is made in regard to any local custom before any class is described as depressed and whether that local inquiry is embodied in the local report ?

The Honourable Mr. J. Crerar : Yes, Sir. In connection with census proceedings very careful local inquiries are made in regard to what the local custom is.

Lala Lajpat Rai : I wonder if the Honourable Member has ever seen the census reports and satisfied himself whether there is any reference to any local inquiry about the custom.

Rao Bahadur M. C. Rajah : May I ask, Sir, whether the figure of 60 millions given in " India 1926-27 ", page 45, comprises the untouchable classes ?

The Honourable Mr. J. Crerar : The figure referred to by the Honourable Member referred to territory outside British India as well as British India.

INCREASE OF TUBERCULOSIS IN INDIA.

2. ***Lala Lajpat Rai** : (*a*) Are Government aware that tubercular diseases are increasing at a frightful speed and that mortality from the same is increasing at a tremendous rate ?

(*b*) Will Government be pleased to lay on the table figures relating to tubercular diseases and mortality from the same in all provinces of India ?

(*c*) Will Government be pleased to state whether they have taken any steps to check and control the ravages of this disease in India in general, and in the areas directly under the Government of India in particular ?

Mr. G. S. Bajpai : (*a*) Statistics of deaths from tubercular diseases are not available for the whole of India. For the areas for which statistics are available, figures for the last five years have been tabulated and placed in the Library. These show that there has been a slight rise in the death-rate from pulmonary tuberculosis ; but it is not possible to say definitely whether the increase represents a rise in the incidence of the disease or is due to improved methods of registration.

(*b*) Deaths from tuberculosis are recorded separately only in three provinces, *viz.*, the United Provinces, Bengal and Bombay. In 1926, the death-rate per mille from tuberculosis was .14 in the United Provinces ; .15 in Bengal and 1.14 in Bombay.

(*c*) An account of the action taken by the Government of India as well as by Local Governments to combat tuberculosis will be found in the annual Reports of the Public Health Commissioner with the Government of India for 1924 and 1925. Copies of these reports will be found in the Library. As regards areas administered directly by the Central Government it may be mentioned that a proposal for the establishment of a tuberculosis hospital is being considered by the Delhi City Municipality. In Baluchistan six wards for tubercular patients were added to the Civil Hospital, Quetta, during 1926. In Rajputana there are two private sanatoria and a large number of tuberculosis patients are treated at the

Civil Hospital, Ajmer. Proposals for a tuberculosis hospital and sanatorium for the North-West Frontier Province are also under consideration. Research work on problems of tuberculosis such as accurate surveys of the disease in particular localities and its transmission is also being carried out under the auspices of the Indian Research Fund Association, which is financed by the Government of India.

Lala Lajpat Rai : Do the Government recognise the importance of this subject so as to make it the subject of an inquiry in each province to find out the figures of mortality from tuberculosis there ?

Mr. G. S. Bajpai : I have already stated that the provincial machinery for the registration of tuberculosis is confined to three provinces. Medical administration under the reforms, as the Honourable Member is aware, is a transferred provincial subject, so that the initiative for perfecting or improving machinery for registration rests with Local Governments. As regards the areas directly under the Government of India, as I have already stated, registration machinery exists, I understand, in Delhi, and we shall try and extend it to other cities like Peshawar.

Lala Lajpat Rai : Am I to understand that the Government of India do not consider this question of sufficient national importance to take special steps besides those adopted by Provincial Governments to check the disease ?

Mr. G. S. Bajpai : The Government of India, Sir, have taken such steps as are constitutionally within their orbit and within their power ; that is to say, they have made suggestions to Local Governments from time to time as to how they might co-operate with one another in combating this disease. It is not really the function of the Government of India to tell them that they must perfect their machinery for registration.

Lala Lajpat Rai : Do the Government of India consider it sufficient that the Delhi Municipality should establish a consumptive hospital and the Government should do nothing in the matter ?

Mr. G. S. Bajpai : I do not think that it follows from my reply that the Government of India have adopted an attitude of malevolent neutrality towards the proposal of the Delhi Municipality. Before the Government of India can come to a decision in regard to the establishment of a hospital in Delhi, the Delhi Municipality must submit a proposal to the Government of India through the proper channels.

Lala Lajpat Rai : Does the Honourable Member consider that this is merely a question of should or should not ? The question is whether the Government of India do attach sufficient importance to take the question in hand.

Mr. G. S. Bajpai : If my Honourable friend will be satisfied by a statement of the obvious, I will say that the Government of India take very great interest in combating tuberculosis.

Mr. K. Ahmed : Will the Honourable Member be pleased to satisfy this House by showing that he is always intelligent to see that the research work is going on smoothly under the Government of India ? In view of that fact, Sir, will the Honourable Member now state with regard to the School of Tropical Medicine in Calcutta how much research is carried on and what are the steps that are taken for improving the conditions of the poor people suffering from tuberculosis ?

the circumstances the postal staff, to whom the rule applies in common with the staff of other departments, have no reasonable grievance, and Government do not propose to take any further action.

RECRUITMENT OF MUHAMMADANS IN THE BIHAR AND ORISSA POSTAL CIRCLE.

123. ***Raja Raghunandan Prasad Singh** : (*a*) Has the attention of the Government been drawn to an article headed " Communalism in the Bhagalpur Division Post Office ", published in the *Searchlight*, (Patna) of the 10th June 1928 ?

(*b*) Is it a fact that :

(*i*) from 1914 to 1927 there was an unbroken succession of Muhammadan Superintendents of Post Offices posted to the Bhagalpur Division of the Bihar and Orissa Postal Circle ;

(*ii*) from 1st August 1921 to 13th February 1923 all the eleven appointments made in the rank of clerks went to Muhammadans ;

(*iii*) from 13th January 1924 to 1st May 1927 the number of Hindu clerks taken in was 13 and that of Muhammadan clerks was 11 ?

(*c*) What is the proportion of Muhammadan clerks to Hindu clerks recruited during the period from 1st August 1921 to 1st May 1927 ?

(*d*) What is the principle or principles guiding the recruitment of clerks ? Are such recruitments made on the population basis ? If so, is it ascertained that the said basis is adhered to ?

(*e*) What is the proportion of the Muhammadan to the Hindu population in the Bhagalpur Division of the Bihar and Orissa Postal Circle ?

The Honourable Mr. A. C. McWatters : (*a*) Yes.

(*b*) (*i*) No.

(*b*) (*ii*) There were seven and not eleven appointments made during this period. All these went to Muhammadans.

(*b*) (*iii*) No. The correct numbers are 12 and 9.

(*c*) The proportion is 19 Muhammadans to 15 Hindus.

(*d*) The recruitment of clerks is made on an educational and not on a population basis subject to certain reservations for the purpose of adjusting communal inequalities.

(*e*) 1 to 3.

PROMOTION OF MUHAMMADAN POSTMEN AS OVERSEERS IN THE BIHAR AND ORISSA POSTAL CIRCLE.

124. ***Raja Raghunandan Prasad Singh** : (*a*) Is it a fact that Shaikh Sobrati and Abdul Hossain, Overseers of Post Offices, Bhagalpur Division (Bihar and Orissa Postal Circle) were promoted as such from the rank of postmen in supersession of a large number of senior and deserving Hindu postmen ? If so, do the Government propose to enquire into the matter ? Was the rule that a postman must put in at least 10 years' service before appointment as overseer observed in the above two cases ? If not, why not ?

(*b*) Is it a fact that, amongst the postmen and menials in the Bhagalpur Division Post Offices the number of Muhammadans is much larger than that of the Hindus ? If so, what do they propose to do to remedy this state of things ?

(*c*) Is it a fact that one M. Syed Eba Bilgrami, a clerk of the Gaya Postal Division, was promoted to the selection grade in supersession of his seniors in the gradation list ? If so, what action was taken to undo the wrong done ? If not, do the Government propose to take such remedial action ? Is it a fact that out of the officials superseded as stated above some have been promoted subsequently ?

Mr. P. G. Rogers : (*a*) Shaikh Shobrati and Abdul Hossain were appointed overseers in 1922. As such appointments are made by selection, the question of supersession does not arise.

There is no rule that a postman must put in at least 10 years' service before appointment as an overseer.

(*b*) No.

(*c*) Yes. As the appointment was filled by selection, there was no irregularity in passing over men senior to M. Syed Eba Bilgrami but considered unfit for the appointment. It is a fact that some of these men have subsequently shown their fitness for the selection grade and have received promotion.

NUMBER OF HINDU AND MUHAMMADAN NON-MATRICULATES EMPLOYED AS RESERVE CLERKS OR AS CANDIDATES FOR RESERVE CLERKSHIPS IN THE BIHAR AND ORISSA POSTAL CIRCLE.

125. ***Raja Raghunandan Prasad Singh** : Will the Government be pleased to state the number of non-matriculates. Hindu and Muhammadan, separately, taken in as reserve clerks or candidates for reserve clerkships in the Post Offices during the last three years in each division of the Bihar and Orissa Postal Circle ? What is the rule for recruitment of non-matriculates ? Is the proportion of the Hindu to the Muhammadan population taken into consideration in making such recruitment ?

The Honourable Mr. A. C. McWatters: A statement showing the number of non-matriculates, Hindu and Muhammadan, separately employed as reserve clerks or as candidates for reserve clerkships in the Post Office during the last three years in each division of the Bihar and Orissa Postal Circle will be supplied to the Honourable Member. Non-matriculates are occasionally recruited with the approval of the Postmaster-General in special cases. The general orders of Government for the regulation of recruitment to adjust communal inequalities are taken into consideration in making such recruitment.

NUMBER OF APPOINTMENTS OF RESERVE CLERKS IN THE MONGHYR DIVISION OF THE BIHAR AND ORISSA POSTAL CIRCLE, ETC.

126. ***Raja Raghunandan Prasad Singh** : (*a*) Will the Government be pleased to state the number of appointments of reserve clerks and of candidates reserved for the same in the Post Offices in the Monghyr Division of the Bihar and Orissa Circle from August 1927 to June 1928 ? How many of these appointments and enrolments went to Hindus and how many to Muhammadans ?